

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36171 of 2021**

Arising Out of PS. Case No.-243 Year-2019 Thana- SABAUR District- Bhagalpur

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MUKESH NISHAD S/O MAHESH NISHAD R/O VILLAGE-LAILAKH
P.S-SABOUR DISTRICT BHAGALPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sabour P.S. Case No. 243 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

According to prosecution case, while the informant and other police officials were on patrolling duty, the informant got secret information that some altercation is going on in village Lailakh. Having received the aforesaid information, the



informant along with other police officials reached there and found that one person was lying there on road and his both hands were tied from backside and at some distance one country made katta and two live cartridges were found lying on the ground. The said person disclosed his name as Rajesh Mandal and stated that he was witness in one case and that was the reason the petitioner assaulted him and forbade not to depose in that case in which petitioner was an accused. The said person also disclosed that firearm has been kept by the petitioner in order to implicate him in a case of Arms Act.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that neither petitioner was apprehended on the spot nor any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that firearm has been recovered by the police from the road and was handed over by Rajesh Kumar. Petitioner is in custody since 11.01.2021. Petitioner carries three criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 243 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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