

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37776 of 2021

Arising Out of PS. Case No.-555 Year-2018 Thana- KOTWALI District- Munger

PAWAN MANDAL S/o Suresh Mandal Resident of Village- Paschmi Koiri
Tola Makshundpur, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Sr. Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-08-2021 Heard Mr. Ravindra Kumar, learned senior counsel
for the petitioner and Mr. Akhileshwar Dayal, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Munger Kotwali P.S. Case No. 555 of 2018 registered for the
offences punishable under Sections 25(1-A), 25(1-AA), 25(1-B)
a, 26, 35 of the Arms Act and Section 39 Unlawful Activities
(Prevention) Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
13.11.2020 passed in Cr. Misc. 23996 of 2020 with liberty to
renew his prayer for grant of regular bail after six months.



The prosecution case as per the First Information Report is that the Police Official got information that relatives of Md. Imran and others are involved in sale and purchase of AK-47 rifle and on the basis of said information, the Police Official reached near the Railway Station, Purabsarai and arrested three persons from the place of occurrence. The other accused persons succeeded in fleeing away. It has further been alleged that the arrested co-accused persons disclosed their names as Md. Irshad Ahmad, Md. Tausif @ Rizwi and Satyam Kumar. On search, the Police recovered one AK 47 rifle, one muskat, Chindi one packet, Magazine of AK 47 rifle 4 in numbers, from possession of Md. Irshad Ahmad, one loaded country made pistol and Mobile set from possession of Md. Tausif @ Rizwi whereas Rs.50,000/ and Mobile set have been recovered from possession of co-accused Satyam Kumar Yadav.

Learned senior counsel for the petitioner submits that the petitioner has been dragged in this case with oblique motive on the basis of confessional statement made by the arrested co-accused Md. Imran and his wife namely, Sada Rifat and no incriminating material has been recovered from possession of the petitioner. Learned counsel referring to order passed in Cr. Misc. 36995 of 2019 by a co-ordinate Bench of this Court



submits that wife of Md. Imran namely, Sada Rifat has been granted bail on 19.6.2019. Learned counsel next submits that the petitioner is in custody since 19.9.2019. Learned counsel also submits that the trial is not likely to be concluded in near future due to Covid 19 pandemic and in various cases the petitioner has been granted bail by this Court vide Annexure-3 series.

Regard being had to the submission made by the parties and taking into consideration the material on record, the fact that no incriminating material has been recovered from possession of the petitioner, the petitioner is in custody since 19.9.2019 and the trial is not likely to be concluded in near future due to Covid-19 pandemic as well as this is second attempt for grant of bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, Munger, in connection with Munger Kotwali P.S. Case No. 555 of 2018 subject to the condition that that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable



to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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