

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3488 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- MOKAMAH District- Patna

SUMIT KUMAR SON OF SUNIL MANDAL RESIDENT OF VILLAGE-
GARHI PS-LAKHISARAI TOWN, DISTRICT-LAKHISARAI AT
PRESENT C/O PRAHALAD MAHTO, CHINTAMANI CHACK PS-
MOKAMA DISTRICT-PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Matlub Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mokama P.S. Case No. 130 of 2020 registered
for the offences punishable under Sections 412 and 414 of the
Indian Penal Code and Section 25(1-b), A 26/35 of the Arms
Act.

As per the prosecution story the informant while on
patrolling duty got secret information that four miscreants



variously armed have gathered at Mokama Bypass to commit some crime. When the informant along with police party reached at the said place he saw four persons near a motorcycle and on seeing the police these persons tried to flee away but three of them were apprehended including this petitioner. Upon search one loaded country-made pistol with two live cartridges was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 05.07.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that for the alleged recovery of one loaded country-made pistol with two live cartridges, the petitioner has remained in jail since 05.07.2020, investigation against him is complete but the trial is not likely to be concluded in near future, prior to the present case he had one criminal case in the Excise Act in which he is on bail, however, after this case he has been taken



on remand in three other cases, submission being that the petitioner has been falsely implicated in other cases, so far as the present case is concerned, considering his period of custody since 05.07.2020 (wrongly typed as 21.11.2019 in the petition) and considering that the investigation is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II-Barh, Patna in connection with Mokama P.S. Case No. 130 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

