

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5938 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- AGAMKUAN District- Patna

Manish Jaiswal, Son Of Late Pramod Prasad Jaiswal @ Pramod Prasad, R/O
Mohalla- Nand Gola Ghat, Charkhi Par, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 02-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Case No.58 of 2020, arising out of Agamkuan P.S. Case No.268
of 2020, registered for the offence punishable under Sections
399, 402 of the Indian Penal Code and Section 25(1-b)a, 26/35
of the Arms Act.

The petitioner is in custody since 15.04.2020. There



is an alleged recovery of country made pistol, magazine and three live cartridges.

The counsel submits that it is a case of false implication. Recovery is not in accordance with law and petitioner has no concern with the alleged recovered firearms. Earlier, he was accused in Malsalami P.S. Case No.430 of 2018, in which he is on bail and further on his arrest in the instant case, he has been remanded in three other cases.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Additional Sessions Judge-XVI, Patna, in connection with Special Case No.58 of 2020, arising out of Agamkuan P.S. Case No.268 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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