

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8106 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- PALANWA District- East Champaran

Mannu Kumar, S/O Rambabu Prasad @ Rambabu Kushwaha, R/o village-
Dhanhar Dihuli, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Palanwa P.S. Case No. 148 of 2021 registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly, the petitioner and co-accused were apprehended by the police during checking and from the possession of this petitioner, a country made pistol with magazine containing three live cartridges were recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from this petitioner. Seizure list has not been prepared in accordance with the provisions of law. The petitioner is having another criminal case lodged against him in which he is on bail. Charge-sheet has been submitted in this case and the petitioner is in custody since 01.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has been arrested with a country made pistol and three live cartridges.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and the petitioner is in custody since 01.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, District- East Champaran, Motihari in connection with Palanwa P.S. Case No. 148 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of cases in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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