

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3264 of 2022

Arising Out of PS. Case No.-164 Year-2019 Thana- KALUAHI District- Madhubani

SONU MANDAL Son of Ashok Mandal R/V- Balua Tol (Jaynagar), P.S. -
Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Kaluahi P.S. Case No. 164 of 2019 registered for the offences
punishable under Sections 25(1-b)A/26/35 Arms Act.

As per prosecution case, two pistol and one live
cartridge was recovered besides other articles and present
petitioner alongwith other has been made accused in this case.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.01.2020. Petitioner bears
criminal antecedent of one case. Charge sheet has already been
submitted in the case and there is no likelihood of tampering



with the prosecution evidence. Learned counsel further submits that there is no compliance of Section 100 Cr.P.C. Petitioner has remained in custody for more than 2 years. Learned counsel further submits that petitioner has no concern with the aforesaid occurrence and he has falsely been implicated in the present case. Nothing incriminating has been recovered from the possession of the petitioner as alleged in the F.I.R. Learned counsel further submits that co-accused on similar accusation has already been granted bail vide Cr. Misc. No. 32501 of 2020 by the co-ordinate bench.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Kaluahi P.S. Case No. 164 of 2019, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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