

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4759 of 2022

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

MANAN ALI SON OF SERAZUL MIAN @ SERAJUL HAQUE
RESIDENT OF VILLAGE- CHHOTA PAREUA, P.S.- RAXAUL,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

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

The petitioner is named in the FIR and is in
custody since 01.10.2021.

The allegation against the petitioner is to have in
possession of illegal fire arms along with other co-accused
persons.

Learned counsel appearing on behalf of the



petitioner submitted that from a bare perusal of seizure list of the case, it appears that no fire arms was recovered from possession of the petitioner rather recovery is of a mobile phone. He further submitted that charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence. While arguing over the matter, it has further been submitted that petitioner is involved in two other cases and he is on bail in one case.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged fire arms has not been recovered from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, recovery of fire arms has not been made from the conscious possession of the petitioner, let the petitioner, above named, are directed to be released on bail in connection with Palanwa P.S. Case No. 148 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Raxaul, Motihari, East Champaran subject to the following conditions:

“(i) That petitioner shall not involve in the similar



nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be brother of the petitioner, namely, Md. Rizwan, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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