

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19739 of 2021**

Arising Out of PS. Case No.-78 Year-2020 Thana- JAKKANPUR District- Patna

MANOJ KUMAR @ MANOJ KAHAR Son of Mahabir Ram Resident of Village - C/o Rakesh Dutta Mishra, Mohalla - Chandpur Bela Chamartoli, P.S.- Jakkanpur, Distt.- Patna, Permanent Resident of Village - Maner Kaji Mohalla, P.S.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      03-01-2022                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Jakkanpur P.S. Case No. 78 of 2020 (G.R. No.979 of 2020) registered for the offence under Sections 25(1-B)A, 26 and 35 of the Arms Act.

According to the prosecution, on search made by the police, one country made pistol and 14 live cartridges have been recovered from the beneath of bed of Tuntun Saw and Ajay Kumar. One key pad mobile is said to have been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. According to the seizure list, the alleged recovery of one country made pistol and 14 live cartridges have been made from the possession of Tuntun Saw and Ajay Kumar and only a mobile phone has been recovered from the possession of this petitioner. Therefore, no case attracting the provisions of Arms Act is made out against the petitioner. The petitioner is rotting in judicial custody since 29.01.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that two more cases are pending against the petitioner, which is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Sub Judge-I -cum- A.C.J.M., Patna in connection with Jakkanpur P.S. Case No. 78 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

**(Rajesh Kumar Verma, J)**

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