

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5360 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- RANIGANJ District- Araria

Manoj Swarnkar @ Manoj Sah @ Mahatma S/O Braj Bihar Prasad Sah @
Brij Bihari Sah @ Bihari Prasad Sah Resident Of Village- Janki Nagar,
Chompra Bazar, Ward No. 4, P.S. Jankinagar, District- Purnea, Presently Ward
No. 7, Kunwari, P.S. Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Ms. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Nafisuzzoha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Raniganj P. S. Case No. 267 of 2021
registered for the offences punishable under Sections 25 (1-b)A,
26/35 of the Arms Act.

As per the prosecution case, it is alleged that while
the Police party was on patrolling duty, they received a secret



information that one unknown person armed with weapon trying to commit some crime. On the basis of the aforesaid information, the Police apprehended this petitioner and on search being made two country made pistols along with four live cartridges were recovered from he possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that, in fact, nothing has been recovered from the person or possession of this petitioner but only on account of some altercation took place with the Police, he has been implicated in this case and recovery has been shown to be made from his possession. The petitioner is in custody since 03.09.2021. It is also submitted that after conclusion of the investigation the charge-sheet has already been submitted and trial has also commenced and altogether five witnesses have been examined. However, he is ready to give undertaking that he will remain present on each and every date till conclusion of the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in two other criminal cases. In response to the aforesaid submissions, the learned counsel for the petitioner



submits that the petitioner is already on bail in those two cases.

Having considered the submissions made on behalf of the parties and taking into account the period of custody, apart from that undertaking given by this petitioner that he will remain present on each and every date of the trial, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria in connection with Raniganj P. S. Case No. 267 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 cancelling 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.

(Harish Kumar, J)

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