

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14077 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- NOKHA District- Rohtas

Mantu Kumar @ Mantu Paswan Son of Sri Ramaji Ram @ Ramaji Paswan
Resident of Ward No.9, suharatolak, Nokha Rohtas, Garh Nokha, Bihar Pin
Code- 802215.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Shekhar, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Learned counsel for the petitioner submits that in
paragraph no. 01 and paragraph no. 20 of petition the details
with regard to Court No. ADJ, XII Rohtas at Sasaram has been
wrongly mentioned and accordingly he wants to make necessary
correction in the said paragraph.

In view of above prayer petitioner is permitted to



make necessary correction in the petition with regard to above-mentioned Court No.

Petitioner seeks regular bail in connection with Nokha P.S. Case No. 221 of 2021 registered for the offences under Sections 399, 402, 414 of the Indian Penal Code and Section 25 (1-b) a, 26, 35 of the Arms Act.

Allegedly this petitioner and co-accused persons were found making preparation to commit dacoiti and from their possession firearms, knife, mobile phone and motorcycles were recovered.

The main submissions advanced by learned counsel for the petitioner are that as per prosecution story narrated in the FIR from the possession of this petitioner only one mobile phone was recovered and any other incriminating material was not recovered and the said mobile phone was validly purchased by a relative of petitioner regarding which sufficient documents have been filed as Annexure series 2. Further submission is that petitioner is simply alleged to be present at the alleged place with co-accused persons but any firearm or any other material was not found from his possession and he is a student having clean antecedent and investigation has been completed in respect of petitioner and he has been languishing in jail since



10.10.2021.

Learned APP for the State has opposed the bail prayer.

Having considered the above submissions and petitioners clean antecedent and his custody period and mainly the fact that from his possession only one mobile phone was recovered and petitioner has claimed the said mobile phone having been purchased by him regarding which he has filed some documents Annexure 2 and petitioner's case is at initial stage of trial, in my view a lenient approach can be taken in respect of petitioner's prayer let the 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 concerned Court in Connection with Nokha P.S. Case No. 221 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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