

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16044 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- BELDOUR District- Khagaria

1. Mantulal Mandal S/o Chhedi Mandal @ Chedi Mandal Resident of Village- Ghorbathuna Itmadi, P.S.- Beldaur, District- Khagaria (Bihar)
2. Mumtaz, S/o Md. Uddin Resident of Village- Ghorbathuna Itmadi, P.S.- Beldaur, District-Khagaria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-08-2022 Heard Mr. Bishweshwar Ram, learned counsel appearing on behalf of the petitioners and Ms. Asha Devi, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Beldaur P.S. Case No. 259 of 2021, for the offence punishable under Sections 25(1-b)a, 26 of the Arms Act.

As per allegation made in the F.I.R. one loaded country made pistol and 22 cartridges were recovered from the possession of petitioner No.1 and one country made rifle Maskets and 21 cartridges were recovered from the possession of the petitioner No.2.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are in custody since 03.11.2021 no



recovery has been made from the conscious possession of the petitioners. The petitioners were forced to put their signature on the seizure-list in Police custody. Chargesheet has already been submitted. The Petitioner is in custody since 03.11.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that huge quantity of arms and ammunition were recovered from the possession of the petitioner. It would not be proper in the interest of society to release the petitioners on bail.

Considering the aforementioned facts and circumstances of the case as well as nature of allegation against the petitioners and also the period of custody undergone by the petitioner. Chargesheet has already been submitted and there is no likelihood of trial being concluded in near future. The petitioners, above named, are directed to be released on bail, if they execute personal bond of Rs. Five Lakhs each and also on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria in connection with Beldaur P.S. Case No. 259 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioners will make their attendance before the concerned Police Station under which their houses are located every day at 9.00 A.M till conclusion of the trial and on any single default without any valid reasons on the part of the petitioners, their bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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