

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29809 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- PIPRA District- Supaul

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LAL MOHAN MANDAL Son of Nevalal Mandal @ Moba Lal Mandal
Resident of Village - Thumha Nab Tol, Ward No.6, P.S.- Pipra, Distt.- Supaul.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 26.11.2020,
seeks regular bail in connection with Pipra P.S. Case No. 309 of
2020 for the offence punishable under Sections 25(1-b)a, 26 and
35 of the Arms Act.

The prosecution case, in brief, is that in course of raid
in connection with Pipra P.S. Case No. 284 of 2020 on
25.11.2020, when the police was returning from the house of co-
accused Birendra Mandal, the petitioner was apprehended in a
suspicious condition and upon search one country made pistol



and six live cartridges were recovered from the magazine without any valid license to possess the said arm. Accordingly seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that as one of the co-accused of the other case could not be traced, merely on suspicion the petitioner who was near the place where the police had conducted raid, has been roped in the present case. Nothing has been recovered from conscious possession of the petitioner. Petitioner is in custody since 26.11.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the house of the co-accused was raided, but the petitioner could not be apprehended and while the police was returning, the petitioner was apprehended in a suspicious condition away from his house and a country made pistol and live cartridges were recovered from his possession, as such the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, chargesheet has already been submitted and there is no



allegation of tampering with the evidence or influencing the witnesses and also trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Supaul in connection with Pipra P.S. Case No. 309 of 2020, 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.

(Purnendu Singh, J)

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