

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20823 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- SONBERSA District- Sitamarhi

Manish Kumar S/o Rakesh Giri R/o village- Janki Nagar, P.S.- Sonbarsa,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, one sharp edged knife having total length of 11 fingers was recovered from the possession of accused Manish Kumar.

Learned counsel for the petitioner submits that the petitioner been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list one



sharp edged knife with total length of eleven fingers has been recovered from the petitioner. He further submits that no case is made out under the Arms Act, against the petitioner. Similarly situated co-accused person namely Lalbabu Kumar has been granted bail by this Court vide order dated 05.08.2022 in Cr. Misc. No. 18995 of 2022 and another co-accused namely Vikash Kumar has been granted bail by this Court vide order dated 05.08.2022 in Cr. Misc. No. 19012 of 2022 respectively and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sonbarsa P.S. Case No. 09 of 2022, 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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