

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32409 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- BHAGWAN BAZAR District- Saran

MANISH KUMAR @ MUSHA RAI Son of Ajay Yadav @ Ajay Rai Resident
of Mohalla - Ratanpura Near Dharam Nath Temple, Ahir Toli, P.S. - Bhagwan
Bazar, Dist - Saran at Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bhagwan
Bazar P.S. Case No. 353 of 2020 registered for the offences
punishable under Sections 25(1-B)a, 26 of the Arms Act.

As per prosecution case, one country made pistol and
five live cartridges have been recovered from the room of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has committed no offence and he has falsely been



implicated in the present case. He further submits that it appears from the FIR and seizure list that nothing has been recovered from conscious possession of the petitioner. In fact, the police has planted the same and so, in the FIR and seizure list, recovery of firearms has been shown from the room of the petitioner. He further submits that in fact, petitioner was in love with the daughter of seizure list witness, namely, Ramashish Prasad who managed the local police and falsely implicated the petitioner in the present case. The police after investigation submitted charge sheet against the petitioner and petitioner is in custody since 12.08.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-1, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 353 of 2020, subject to 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 witnesses, 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 antecedent, 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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