

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26533 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- PARWALPUR District- Nalanda

AKHILESH MANJHI Son of Suren Manjhi Resident of Village - Katro
Bigha, P.s.- Parwalpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey, Advocate.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Shashi Chandra Pandey, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Parwalpur P. S. Case No. 13 of 2022
registered for the offences punishable under Sections 25b (1-b)
A, 26/35 of the Arms Act.

As per the prosecution case, it is alleged that the
Police, in course of patrolling duty, apprehended the petitioner
and on search one country-made pistol and one live cartridge



was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner rather the recovery has been made from some other place but only because of some altercation, which took place between the petitioner and the Police, his name has been implicated in this case. It is further submitted that save and except the institution of one case of excise matter, this petitioner is not involved in any other case and moreover, he is in custody since 16.01.2022 and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the conscious possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the period of custody and the undertaking given by the petitioner that he will fully cooperate in the trial till its conclusion and moreover, there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Parwalpur P. S. Case No. 13 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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