

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28186 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- CHANDAN District- Banka

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Krishan Mandal @ Krishna Mandal Son of Govind Mandal Resident of
Village - Sura, P.S. - Sarwan, District - Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420, 467, 471 of the Indian
Penal Code and Sections 25(1-b), 26, 35 of the Arms Act.

According to prosecution case, on the basis of self
statement of one Ravi Shankar Kumar, S.I. of police, alleging
therein that during the course of returning office, the informant
saw a cash van and a security guard (petitioner) of SIS
Company, standing in front of the SBI ATM, situated at
Chandan Bazar. It is further alleged that on search, the accused-
petitioner was found in possession of a single barrel gun and 6



alive cartridges. On demand, the accused-petitioner produced fake arms license.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that in fact the petitioner procured the gun license from one Binod Sinha and petitioner has no knowledge that the said license is fake and fabricated and the petitioner was working in SIS Company as a Guard. He further submits that after investigation police has submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mahendra Mahto has been granted bail by this Court vide order dated 25.02.2022 passed in Cr. Misc. No. 61232 of 2021. The petitioner is in custody since 20.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Chandan P.S. Case No. 123 of 2021, 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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