

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39872 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- PATLIPUTRA District- Patna

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MUNCHUN RAI S/o Ramdeo Rai R/o Mohalla- Mainpura, Gate No.- 45,
Near Ramanand Lodge, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-01-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 13.02.2021, seeks
regular bail in connection with Patliputra P.S. Case No. 84 of
2021 registered for offences punishable under Sections 25(1-
b)a, 26/35 of the Arms Act.

Prosecution case, in brief, is that on getting secret
information that accused of another case namely, Munchun Rai
has been seen going on motorcycle along with one another
person towards L.C.T. Ghat. S.H.O.-cum-Inspector of Patliputra
Police Station reached there with his team and caught them.



Upon search, one country-made pistol and .303 bore cartridge were recovered from the possession of the petitioner. Seizure list was prepared in presence of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 13.02.2021. He further submits that the petitioner was forced to put his signature in police custody and nothing has been recovered from his possession. The seizure has not been conducted in the manner prescribed. Two witnesses to the seizure list are entrusted witnesses who are the police officials and as such the whole story of the prosecution fails on its point itself.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner is habitual offender and several cases are pending against him and as such he does not deserve to be released on bail.

Considering the facts and circumstances of the case, having perused the allegation made in the F.I.R. as well as the seizure list it appears that the seizure list was prepared in police custody and the same appears to be prepared in presence of the petitioner but in absence of any independent eye witness, prima facie it appears to have violated the statutory provision of the Act, the petitioner, above named, is directed to be enlarged on



bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XII, Patna in connection with Patliputra P.S. Case No. 84 of 2021 with a condition that he will tender his attendance on every Saturday at 9 a.m. to the local Police Station till conclusion of the trial and the S.H.O. of the said Police Station is directed to submit the monthly report of the attendance to the S.P. having jurisdiction and on single default, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(Purnendu Singh, J)

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