

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30112 of 2022

Arising Out of PS. Case No.-563 Year-2021 Thana- AMARPUR District- Banka

SUNIL MANDAL Son of Late Suddin Mandal Resident of Village -
Badhariya, P.S. - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under sections 25(I-B)a, 26, 35 of the Arms Act.

Allegedly acting on a tip off, police raided the house of

this petitioner and recovered country made rifle from bed room of the

petitioner and also recovered a cartridge from the pocket of the

petitioner.

The main submissions advanced by Sri Brij Nandad

Prasad the learned counsel appearing for the petitioner are that

petitioner has been languishing in jail since 20.11.2021, at the time of

recovery of alleged firearm several persons were residing in the

petitioner's house, hence alleged recovery cannot be deemed to have



been made from conscious possession of this petitioner.

Sri Nawal Kishore Prasad , learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list attached to FIR. In the present case, investigation has been completed in respect of the petitioner as appears from the order of the learned court below and seizure list goes to show that alleged recovery of firearm was made before the police personnel who were made the witnesses of seizure.

Considering these facts as well as submissions and the custody period of the petitioner, let the petitioner 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 Chief Judicial Magistrate, Banka in Amarpur P.S Case No. 563 of 2021 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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