

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40711 of 2021

Arising Out of PS. Case No.-472 Year-2020 Thana- NAUTAN District- West Champaran

Manjoor Mian, aged about 45 years, male, S/O Late Jaharuddin Miyan
Resident of village + P.O. - Shivrajpur, P.S. - Nautan, District-West
Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-01-2022 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Nautan PS Case No. 472 of
2020, instituted for the offence under Sections 25(1-b)a/26/35 of
the Arms Act.

One country made loaded pistol with live cartridge has
allegedly been recovered from the petitioner's possession.



It is alleged that he was intimidating the villagers.

Learned counsel for the petitioner submits that it is a clear case of false implication as the petitioner is having a clean antecedent and it does not stand to reason that one person with a country made pistol would intimidate the entire village. The seizure is not in accordance with law as it is not supported by any independent witness. The submission is that his implication is on extraneous consideration

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, the allegations made in the First Information report, this Court would observe that the petitioner is having clean antecedent. Chargesheet has been submitted and the alleged recovery, as per the petitioner's submission, is not supported by any independent witness. Case for grant of bail is made out.

In the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Chief Judicial Magistrate Bettiah, West Champaran, in connection with Nautan PS Cae No. 472 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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