

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36780 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- RAGHOPUR District- Supaul

1. Shiv Kumar Mandal, Son of Ramkhelawan Mandal, Resident of Village- Dubiyahi, P.S.- Pipra, District- Supaul
2. Jai Narayan Mandal @ Rudal Mandal, Son of Late Khatar Mandal, Resident of Village- Dubiyahi, P.S.- Pipra, District- Supaul
3. Raju Kumar, Son of Bachhalal Sada, Resident of Village- Gadhiya, Ward No.- 17, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-10-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arun, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Raghapur P.S. Case No. 31 of 2022 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)A/26/35 of the Arms Act.

As per prosecution case, it is alleged that on a



confidential information with regard to assemblage of the miscreants, the police rushed to the place of occurrence, however, on noticing the police party the miscreants started fleeing away on three motorcycles. It is further alleged that out of seven miscreants, five miscreants were apprehended and from possession of petitioner no.1 one live cartridge and a mobile were seized. From the possession of petitioner no.2 one country made pistol, one live cartridge and one Samsung mobile phone were recovered. It is further alleged that from the possession of petitioner no.3 one loaded country made pistol with misfire cartridge and one mobile were also recovered.

Learned counsel appearing on behalf of the petitioners submits that in fact no recovery has been made from the conscious possession of the petitioners. However, during the course of raid, certain other persons were apprehended and as the petitioners were also found present at the place of occurrence, they were apprehended on suspicion and thereafter recovery has been shown from their possession. He next submits that so far the mobile phones are concern that belong to the petitioners and they have nothing to do with the fire-arms, which are said to have been allegedly recovered from petitioner nos.2 and 3. He lastly submits that petitioner no.1 has got clean



antecedent and so far the petitioner nos. 2 and 3 are concerned, they are having found involved in one case prior to the institution of the present case. While concluding the argument, learned counsel for the petitioners submits that the petitioners are in custody since 21.01.2022 and now the investigation of the crime is already complete.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners were caught red handed with country made pistol while preparing the plan for commission of dacoity.

Regard being had to the submissions made on behalf of the parties and considering the period of incarceration of the petitioners as well as the fact that investigation of the crime is already complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Birpur, Supaul in connection with Raghapur P.S. Case No. 31 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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