

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46007 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- SABAUR District- Bhagalpur

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MONU JHA @ MONU KUMAR JHA S/o Mithilesh Jha Resident of Village-
Roypura, Post Murhan Hat, Ward No11, Police Station- Goradih, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-03-2022 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 four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sabour
(Goradih) P.S. Case No. 48/ 2020 registered for the offences
punishable under Sections 25(1-b)a, 26 of the Arms Act and
30(a) of Bihar Excise Act.

As per prosecution case, one country made pistol, one
cartridge and 16 bottles of liquor have been recovered from
possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made pistol, one cartridge and 16 bottles of liquor have been recovered from possession of the petitioner. He further submits that in fact, nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and so recovery of incriminating articles has been shown from possession of the petitioner. He further submits that police after investigation submitted the charge sheet against the petitioner and petitioner is in custody since 14.02.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

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 Additional Sessions Judge-IIInd, cum Special Judge of Excise Act, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 48/ 2020, 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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