

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54673 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

MANISH KUMAR Son of Anil Singh Resident of Village - Rahimapur, P.S.-
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Industrial Area P.S.Case No.105 of 2021 registered for the offence under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of Arms Act.

The prosecution case, in short, is that the informant has alleged that accused persons named in the FIR were planing to commit the offence of dacoity. The police party raided the place of occurrence and succeed to catch 4 accused persons out of total 8 miscreants. The country made pistol, live cartridges,



mobile phones and motorcycle etc. have been recovered from the possession of accused persons, who were caught the spot.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact nothing has been recovered from the conscious possession of the petitioner but the police has planted the same, one country made pistol and live cartridges have been recovered from the possession of the petitioner. He further submits that the petitioner was not apprehended at the place of occurrence and the petitioner is in custody since 24.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P.S.Case No.105 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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