

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58576 of 2021

Arising Out of PS. Case No.-135 Year-2021 Thana- RAJPUR District- Buxar

MANJI KUMAR S/o- JAY PRAKASH SINGH Resident of Village-
Belvaiya, P.S.- Dinara (Manas O.P.), District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-02-2022 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 through video conferencing.

The petitioner seeks bail in connection with Rajpur

P.S. Case No. 135 of 2021 registered for the offence under

Sections 144/34 of the Indian Penal Code and Section 25(1-

b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made

pistol along with one live cartridge and a stolen motorcycle.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that it is apparent from the F.I.R. and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the co-accused. No arms as alleged in the F.I.R. has been recovered from the possession of the petitioner and merely on the basis of suspicion, this petitioner has been made accused in this case. The petitioner is rotting in judicial custody since 10.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 135 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 canceled 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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