

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48668 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- SABAUR District- Bhagalpur

Manoj Mandal S/o Munilal Mandal R/o village- Lakra, P.S.- Goradih,
District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sabaur (Goradih) P.S. Case No. 42 of 2022 registered for the offences punishable under Sections 25(1-b)a/26 of Arms Act. He is in custody since 24.04.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, one Ashutosh Kumar, the officer-in-charge of Goradih Police Station with other police officials reached village Lakra where on seeing the police party this petitioner started fleeing away and managed to escape.



Thereafter, the police team searched the shop of the petitioner and recovered one country made loaded pistol and .315 live cartridge with 8mm KF written on the bottom of the cartridge.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 24.04.2022.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged recovery of one country made loaded pistol and .315 live cartridge with 8mm KF written on the bottom of the cartridge has been made from a shop in which the petitioner was not present and he was not arrested on the spot, the petitioner has no criminal antecedent and has remained in custody in connection with this case since 24.04.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Bhagalpur in connection with Sabaur (Goradih) P.S. Case No. 42 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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