

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50320 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- MURLIGANJ District- Madhepura

MANTOSH KUMAR Son of Mahanand Yadav R/V- Bhalni, ward No. 3, P.S-
Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 25(1-
B)a/26/35 of the Arms Act, in connection with Murliganj P.S.
Case No. 206 of 2022.

As per the FIR, the informant, SHO, Murliganj,
Madhepura alleged that the petitioner is an accused in
connection with Murliganj P.S. Case No. 69 of 2022 under
section 393, 302,34 of the Indian Penal Code and Section 27 of
the Arms Act and alleged that the petitioner has confessed that
he alongwith co-accused Diwakar Kumar used the fire-arms that
is kept in his house. Thereafter, the house of the petitioner was



searched and it is alleged that a loaded pistol with cartridges were recovered. Accordingly, the present FIR was lodged.

Learned counsel for the petitioner submits that only because of his implication in the aforesaid Murliganj P.S. Case No. 69 of 2022, once nabbed, this case was forced upon him to make the said case true. He as such submits that for that he has already suffered by being in custody since 2.5.2022 (as stated in para-11 of the bail application). The last submission is that the different sections of the Arms Act has been violated by the police as despite not having any sanction order from the District Magistrate, Madhepura, the charge-sheet was submitted against him.

Taking into account the fact that he is in custody since 2.5.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhepura, in connection with Murliganj P.S. Case No. 206 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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