

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60052 of 2021**

Arising Out of PS. Case No.-163 Year-2021 Thana- RAJNAGAR District- Madhubani

Amit Mandal Son of Shankar Mandal Resident of Village - Mahinathpur, P.S.
Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate.

For the Opposite Party/s : Mr. Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named who has been made accused and put behind the bar in connection with Rajnagar P. S. Case No. 163 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and 25 (1-b) a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that on 05.06.2021, the Police on secret information that some persons are assembled near Mahinathpur Koshi Pul for the purposes of *dacoity*, on the said information the Police raided the place of occurrence and apprehended four persons. However, it is alleged



that two persons were fled away. It is further alleged that from the possession of this petitioner one loaded country-made pistol and one mobile phone were recovered.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of this petitioner rather the recovery has been made from another place but it has been shown to be recovered from the possession of this petitioner. It is next submitted that so far the seized mobile phone is concerned, the same belong to the petitioner. It is further submitted that this petitioner is in custody since 05.06.2021 and he has no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that from the possession of this petitioner one loaded country-made pistol has been recovered.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the petitioner having no criminal antecedent and is in custody since 05.06.2021, apart from the fact that the investigation has been completed and the charge-sheet has been submitted in the present case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Rajnagar P. S. Case No. 163 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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