

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61495 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Manoj Kumar, S/O Shivdatta Yadav, R/o village- Govindpur, P.S.- Chandauti,
District- Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Magadh Medical College P.S. Case No. 162 of 2021 registered for the alleged offences under Sections 25(1-B) a, 26 and 35 of the Arms Act.

The prosecution case is that on receipt of secret information about some criminals getting assembled at the house of co-accused Mahesh Yadav, his house was surrounded by the police personnel and this petitioner was apprehended while trying to escape from there. From possession of this petitioner, a country made carbine and a country made loaded



pistol with one live cartridge and a '*bandolier*' containing ten live cartridges were recovered.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and no recovery has been made from this petitioner. In fact, the petitioner has gone to the house of his relative for treatment of his sick child and he has been falsely made an accused that he was trying to escape with a bag containing the allegedly seized articles. The learned counsel further submits that all the recovered articles have been planted by the police and by filing a supplementary affidavit, some photographs have been brought on record, which show that the police personnel were involved in planting the firearms. The learned counsel further submits that charge-sheet has been submitted in this case and the petitioner is in custody since 12.06.2021.

Learned APP opposes the prayer for bail submitting that a country made carbine, pistol and a number of live cartridges have been recovered from this petitioner and he is having criminal antecedent.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been



submitted and the petitioner is in custody for more than one year, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Magadh Medical P.S. Case No. 162 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

