

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51391 of 2022

Arising Out of PS. Case No.-669 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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MANINDRA @ MANINDRA MISHRA S/O SRI CHEDI MISHRA Resident
of village- Sultanpur, P.S.- Kateya, District- Gopalganj. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-12-2022 The matter has been taken-up through video
conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with
Gopalganj P.S. case no. 669 of 2019 for the offence punishable
under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

The prosecution's case, in short, is that the police, on
getting secret information, during the course of search,
apprehended some criminals including Pawan Tiwary and Md.
Ali Sher @ Ali Sher, on which one pistol and two mobile
phones were recovered from the possession of the Pawan
Tiwary, who disclosed that the said pistol was given by the



Manindra Mishra (petitioner).

Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. Only on the basis of the confessional statement, the petitioner has been made accused in this case. It is submitted that one country made loaded rifle, seven pieces of live cartridges, three magazines and six empty cartridges were recovered from the possession of one Md. Ali Sher, who has been granted bail by a Co-ordinate Bench of this Hon'ble Court *vide* order dated 02.03.2020, passed in Criminal Miscellaneous No. 14613 of 2020. It is submitted that nothing has been recovered from the possession of the petitioner nor he has been arrested from the spot. It is further submitted that the petitioner is in jail since 29.01.2022. Further, it is submitted that the petitioner has criminal antecedent of 8 cases and charge sheet has been filed in this case.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction



of the learned C.J.M, Gopalganj in connection with Gopalganj
P.S. case no. 669/2019, subject to 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 on his absence on two consecutive dates without
sufficient reason, his bail bond shall be cancelled by the Court
below.

2. One of the bailors will be his own blood relation,
preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he
will inform the court concerned if the petitioner is made accused
in any other case of similar nature after his release in the present
case and thereafter the court below will be at liberty to initiate
the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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