

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66832 of 2021**

Arising Out of PS. Case No.-46 Year-2021 Thana- KHUTAUNA District- Madhubani

Md. Arman @ Abdul Nizam, Son of Abdul Qayum @ Md. Lal Babu,
Resident of Mohalla- Karamganj, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

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

2 13-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr. Indihar Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Khutauna P.S. Case No.46 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act. He is in custody since 27.07.2021. The petitioner has got one criminal antecedent in which he is said to be on bail.

As per the prosecution story, one Dev Kumar Mandal @ Lallu was apprehended by the police and in course of search one loaded country made pistol and two live cartridges were



recovered from his possession. It is alleged that on interrogation the said Dev Kumar Mandal @ Lallu disclosed that he purchased the said pistol from Md. Arman (the petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Dev Kumar Mandal @ Lallu from whom possession one loaded country made pistol and two live cartridges were recovered.

Learned counsel submits that the petitioner was neither present on the spot nor any arm or ammunition has been recovered from his possession and the co-accused Dev Kumar Mandal has already been admitted to bail in Cr.Misc.No.50249/2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Dev Kumar Mandal @ Lallu from whom possession one loaded country made pistol and two live cartridges were recovered, the petitioner was neither present on the spot nor any arm or ammunition has been recovered from his possession, the



co-accused Dev Kumar Mandal has already been admitted to bail in Cr.Misc.No.50249/2021, the petitioner has remained in custody since 27.07.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, 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 A.C.J.M.-I, Jhanjharpur (Madhubani) in connection with Khutauna P.S. Case No.46 of 2021, 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 step 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

