

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69294 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- KURSAILA District- Katihar

PANKAJ MANDAL S/o Late Bharath Mandal R/o village- Bhimdas Tola
Tintanga, P.S.- Rangra, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022

Heard learned counsel for the parties.

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

The petitioner is in custody in connection with
Kursela P.S. Case No. 69 of 2021 instituted under Sections
25(1-b)A, 26 and 35 of the Arms Act.

The allegation in the FIR is that the petitioner was
arrested in connection with Kursela P.S. Case No. 68 of 2021
and the police party was in search of the alleged arm that was
used in that case. Thereafter, the search was made and it was
recovered from the maize crop field of one Narayan Yadav
which was loaded. The same was seized in the presence of
independent witnesses and the petitioner accepted it to be his
fire arms and accordingly separate FIR was lodged.



Learned counsel for the petitioner submits that for the said occurrence, he has already suffered and has since been released in bail in connection with Kursela P.S. Case No. 68 of 2021 vide an order dated 12.04.2022 passed in Cr. Misc. No. 58621 of 202. The order submitted by the learned counsel for the petitioner be kept on record.

Considering the aforesaid facts that the petitioner was already granted bail in Kursela P.S. Case No. 68 of 2021, he is in jail since 26.05.2021 and 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 Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 69 of 2021, 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 reasons will entail his cancellation of bail by the Trial Court itself;



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

(iv) 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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