

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4251 of 2023

Arising Out of PS. Case No.-600 Year-2019 Thana- BANKA District- Banka

=====

Arun Mandal S/O Ramanand Mandal Resident of village- Lashkari, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Perna Rishi, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.01.2022, in connection with Banka (Barahat) P.S. Case No. 600
of 2019, F.I.R. dated 26.08.2019 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code and
Sections 25(1-B)(a), 26 and 35 of the Arms Act.

The case relates to recovery of two country made *Katta*
and four live cartridges.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case merely on the basis of the disclosure made by co-
accused persons. He further submits that it appears from the
F.I.R. as well as seizure list that nothing incriminating article has



been recovered from the conscious possession of the petitioner rather recovery has been made from co-accused persons namely Arvind Yadav, Ranjan Yadav, Lalu Prasad Gupta and Kundan Yadav and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that except the disclosure made by co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and from whom the recovery has been made has been granted bail by a different Coordinate Benches of this Court vide orders at Annexure-P/2 series to this bail petition. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.01.2022. Learned counsel for the petitioner further submits that after the present case, the petitioner has been remanded in another two cases as mentioned in paragraph-3 of the petition.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 600 of 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

