

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12243 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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MANISH KUMAR MAHTO Son of Ramashish Prasad Mahto Residence -
Bhawanipur, Ward No.- 03, Parihara, P.S.- Bakhri, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 13451 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Ranjeet Kumar Son Of Bhim Lal Sao @ Bhim Lal Shah R/O Village- K.
Nagar, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12243 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 13451 of 2023)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Learned counsel for the petitioner is permitted to

correct the details of the petitioner namely, Ranjeet Kumar

during course of the day.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since



26.10.2022 and 27.10.2022 in connection with Sahebpur Kamal P.S. Case No. 291 of 2022, F.I.R. dated 26.10.2022 for the offences punishable under Sections 25(1-B)a, 26(ii) and 35 of the Arms Act.

Recovery is of total 20 pieces of 7.65 mm live cartridges and mobile phone from the possession of these petitioners.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 20 pieces of live cartridges and mobile phone have been recovered from the possession of both the petitioners. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 26.10.2022 and 27.10.2022 respectively.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 291 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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