

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14808 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- MANIYARI District- Muzaffarpur

MANISH KUMAR @ MANI Son of Late Chartubhuj Chaudhary @ Late
Chatarbhuj Chaudhary R/V- Mornisk, PS- Maniyari Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Maniyari P. S. Case No. 380 of 2022, registered for the
offences punishable under Sections 25(1-b)a and 26 of the
Arms Act, 1959.

The prosecution case as emerges from the FIR is
that on 14.11.2022, the police got information that the
petitioner is carrying one pistol and sitting near Jamharua
Pokhar betel shop. When the police reached there, the
petitioner tried to flee away but the police apprehended him
and recovered one double barrel country made gun and one



live cartridge from his waist.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He also submits that though there is criminal antecedents of the petitioner but he is on bail in two criminal cases. He also submits that petitioner is in custody since 15.11.2023 i.e., for more than six months and the alleged offence is triable by Magistrate and the maximum punishment for the alleged offence is three years.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



particulars the nature of offence and the period of custody, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ms. Pooja Arya, Judicial Magistrate 1st Class, (West), Muzaffarpur, in connection with Maniyari P. S. Case No. 380 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

