

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17188 of 2023**

Arising Out of PS. Case No.-1035 Year-2022 Thana- MADHEPURA District- Madhepura

ANMOL MANDAL @ ANMOL KUMAR S/o Makhkhan Mandal Resident
of Village-Bhelwa, P.S.-Madhepura, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.10.2022 in connection with Madhepura P.S. Case No.1035 of
2022, F.I.R. dated 29.10.2022, for the offences punishable under
Sections 399, 402 of the IPC & Section 25(1-B) A, 26 and 35 of
the Arms Act.

According to prosecution case, one live cartridge is
said to have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that the the
petitioner has has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as
seizure list that it appears that one live cartridge has been



recovered from the possession of the petitioner. He further submits that the recovered motorcycle and mobile belongs to the petitioner and there is non-compliance of Section 100 of the Cr.P.C. and the co-accused, namely, Ehsan Ansari has been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No.2374 of 2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Madhepura P.S. Case No.1035/2022, 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 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 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.

(Rajesh Kumar Verma, J)

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