

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26299 of 2023**

Arising Out of PS. Case No.-493 Year-2022 Thana- KATIHAR NAGAR District- Katihar

SONU JHA @ MANISH ANAND S/O LATE AWADHESH JHA R/O
Village- Officers Colony, P.S- Katihar Sahayak Nagar, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

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

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.08.2022 in connection with Katihar Nagar Sahayak P.S. Case
No. 493/2022, G.R. No. 4059/2022, F.I.R. dated 17.08.2022, for
the offences punishable under Sections 399, 402, 420, 467, 468
of the IPC & Sections 25(1-b) a, 26 and 35 of the Arms Act.

According to prosecution case, one loaded pistol and
six live cartridges along with mobile phone have been recovered
from the possession of the petitioner and 20 live cartridges and
six empty cartridges apart from number of mobile phones have
been recovered from the Tata Punch Car.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that it appears from the F.I.R. as well as seizure list that one loaded pistol and six live cartridges and two mobile phones have been recovered from the possession of the petitioner and from the car, 20 live cartridges, six empty cartridges and number of mobile phones have been recovered. He further submits that there is non-compliance of Section 100 of Cr.P.C. and other co-accused, namely, Moti Bhagat has been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No.3364/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.08.2022.

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 seven criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the seven cases.

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.,



Katihar in connection with Katihar Nagar Sahayak P.S. Case No. 493/2022, G.R. No. 4059/2022, 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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