

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21479 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- MANJHAGARH District- Gopalganj

Rabbe Alam @ Golu Mansuri Son of Md. Sharif Mansuri R/V- Baikunth
Chhapar, Ward no. 10, PS- Mairwa Dist- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Manjhagarh P.S. Case No. 194 of 2022 registered on 19.06.2022 for the alleged offences under Sections 399, 402, 414, 420, 467, 468, 471 of the Indian Penal Code, Sections 25(1-b)a/26/35 of the Arms Act and Sections 20, 22 & 29 of the NDPS Act.

3. As per prosecution case, police received secret information about gathering of some criminals at some identified place. A raid was conducted and police found seven persons carrying shoulders bag sitting on motorcycles and talking with each other. Three of them were apprehended and



four of them fled away from the spot. The petitioner is one of the apprehended person. From the petitioner a country made loaded pistol with two live cartridges, a number of gold and silver ornaments and charas like substance weighing 512 gms were recovered. Similar recoveries were also made from other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. No local person was made as a witness of the seizure list and seizure list witnesses are police personnel. Petitioner has no concern with FIR named other co-accused persons. There is complete violation of provisions of NDPS Act. There is no FSL report to show that the seized contraband was charas. Moreover, the recovered charas is below the commercial quantity. The recovered ornaments have not been put to any Test Identification Parade. The FIR named co-accused Vijay Kumar Singh has been granted bail by Co-ordinate Bench vide order dated 21.02.2023 passed in Cr. Misc. No. 64427 of 2022. The case of the petitioner is almost similar except the fact that no recovery of firearm has been shown from the co-accused. The petitioner is in custody since 20.06.2022 and charge sheet has been submitted. The



petitioner is having criminal antecedent of two more cases.

5. Learned APP opposes the prayer for bail submitting that the petitioner and co-accused persons were planning to commit dacoity and they were caught red handed and number of incriminating articles have been recovered from the possession of the petitioner and other co-accused persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj/concerned court in connection with Tr. No. 43 of 2022, arising out of Manjhagarh P.S. Case No. 194 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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