

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28069 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- SULTANGANJ District- Bhagalpur

SANTOSH MANDAL SON OF SUNIL MANDAL R/O-DUDHAILA, P.S.-
SULTANGANJ, DISTT.-BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Anand, Advocate
	:	Mr. Ankit Raj, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 13.10.2022 in connection with Sultanganj P.S. Case No. 393 of 2022, F.I.R. dated 12.10.2022 registered for the offence punishable under Sections 25(1-b), 26, 35 of Arms Act.

The case relates to recovery of three loaded country made pistol and one Samsung mobile phone from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that three loaded country made pistol was recovered



from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned A.C.J.M.-1st, Bhagalpur in connection with Sultanganj P.S. Case No. 393 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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