

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28146 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Manish Kumar @ Manish Baba Son Of Late Vinod Sah Resident Of Village-
Bagha Ward No. 24, Ps- Town (LOHIYAGANAGAR Op), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.11.2022 in connection with Begusarai Town (Lohiyanagar
O.P.) P.S. Case No. 597 of 2022, F.I.R. dated 26.09.2022 for the
offences punishable under Sections 25(1-b)A, 26, 27 and 35 of
the Arms Act.

According to prosecution case, in brief is that the
informant alleging therein that he got an information on
25.09.2022 at about 10.00 pm that co-accused Aditya Kumar
had fired in air in birthday party with intention to cause
obstruction. On that information the police party reached near
house of the co-accused Aditya Kumar and apprehended him.
He disclosed that the petitioner has provided loaded country



made pistol with instruction to fire in the birth day party and accordingly he fired. Thereafter, he returned the fire arm to the petitioner and he used to keep the same in his house. Thereafter, the house of the petitioner was searched and from there country made pistol with one cartridge was recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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 country made pistol has been recovered from the house of the petitioner and nothing has been recovered from the conscious possession of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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.,
Begusarai, in connection with Begusarai Town P.S. Case No.
597 of 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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