

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33004 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- LAUKAHI District- Madhubani

NITISH KUMAR MANDAL son of Ram Chandra Mandal Village-
Kakardobh Ps- Laukahi Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 On call, no one appears on behalf of the petitioner
although Mr. Jitendra Kumar Singh, learned APP is present.

The petitioner is an accused in connection with
Laukahi (Narahiya O.P.) P.S. Case No. 51 of 2023 registered for
the offences under sections 25(1-B) a and 26 of the Arms Act
lodged on 23.02.2023 by the informant, Mithilesh Kumar Rahi.

The prosecution case, in brief, is that one Mithilesh
Kumar Rahi, A.S.1. gave a written report to S.H.O. (Narahiya
O.P.) alleging therein that while he was on patrolling duty along
with other police personnel he got an information from S.H.O.
that one person who is wearing green short having loaded pistol



in left side of waist and standing near Bhutha Chouk bus stand. after getting the information, the informant along with police party proceeded towards the place of occurrence and started to search then saw that one person trying to flee away but with help of police he was arrested and on interrogation apprehended person disclosed his named as Nitish Kumar and during search a loaded pistol has been recovered on which made in U.S.A. was scribed and apprehended persons did not produce any paper regarding the pistol thereafter aforesaid person was arrested and seizure was prepared. Accordingly, the FIR.

The A.S.I. who is informant in the case has alleged as the police on information intercepted a person and on search, recovered a foreign made pistol and as he failed to produce any documents was arrested and the FIR.

From perusal of the petition, it has been narrated that the police only to implicate him has made this revolver theory. The further statement in the petition is that he is in custody since 24.02.2023 (as stated in paragraph 13 of the petition) and do not have criminal antecedent.

Considering the fact that the petitioner is a young boy, is in custody since 24.02.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st , Jhanjharpur, Madhubani in connection with Laukahi (Narahiya O.P.) P.S. Case No. 51 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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