

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34455 of 2023

Arising Out of PS. Case No.-62 Year-2021 Thana- BIRPUR District- Supaul

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SUMAN MANGARDAITA @ SUMAN YADAV Son of Suresh Mangardaita
Resident of village - Daulatpur (Bahadur Chowk), P.S. - Karjain, Distt. -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody since 27.1.2023 in connection with Birpur P.S. Case No. 62 of 2021 for the offence punishable under Sections 25(1-b)A, 26, 35 of the Arms Act lodged on 23.2.2021 by the informant Mukti Nath Yadav.

The prosecution case in brief, is that the informant, on 23.02.2021 along with other police personnel were doing patrolling duty and when they reached near the shop of Shanker Kumar Mehta, saw three persons riding on blue coloured Apache motor-cycle and two persons were on black coloured Pulsar motor-cycle going towards Basmatiya side. Upon interception, the persons riding on aforesaid motor-cycle tried to escape. However, police was able to apprehend one accused. On



interrogation and upon search, two mobiles and one loaded country made pistol were recovered from his possession. On query, the apprehended person disclosed the name of escaping persons as Deepak Surait, Suman Mangaradaita (the petitioner herein), Rakesh Mukhiya and Raja Chotu.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the fact that he has not been arrested from the spot and on the confession of the other co-accused persons who were apprehended, his name has come up in the present FIR and is in custody since 27.1.2023 (as stated in para-4 of the bail application), this Court is inclined to extend him the privilege of bail with conditions.

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 learned A.C.J.M-1st, Birpur, in connection with Birpur P.S. Case No. 62 of 2021 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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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