

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38963 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- GAMAHARIYA District- Madhepura

Sintu Kumar @ Barun Mandal @ Barum Mandal Son Of Deoki Mandal @
Ssuresh Mandal Resident Of Village- Paharpur, Ward No. 16, Ps- Sour Bazar,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gamharia P. S. Case No. 185 of 2022 lodged on 27.08.2022
under Sections 25(1-B) (a) of the Arms Act.

3. As per the prosecution case, the name of the
petitioner has come up in this case, on the basis of the
confessional statement of co-accused, Mithilesh Ram, as a
manufacturer of illegal arms.

4. Learned counsel for the petitioner submits that
neither the petitioner has been apprehended from the place of
seizure nor any incriminating article has been recovered from
his conscious possession, rather he has been dragged in the



present case only based on the confessional statement of the co-accused. He further submits that the petitioner is in custody since 29.08.2022 and the chargesheet has already been submitted in this case. Apart from the present case, the petitioner is accused in five more cases, but as per the learned counsel for the petitioner, he is not sure whether the petitioner has been granted bail in those cases or not.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that during the investigation, it has come that the petitioner is indulged in the manufacturing of illegal arms.

6. In the present facts and circumstances of this case and the fact that no incriminating article has been recovered from the conscious possession of the petitioner, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura, in connection with Gamharia P. S. Case No. 185 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.with other following conditions:

A. The petitioner shall support in trial and



shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, which shall be resulted in the cancellation of his bail bond.

B. One of the bailors shall be a close relative who shall file an affidavit before the court about his relationship with the petitioner.C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of the present bail bond, violation of this condition shall result in cancellation of his present bail bond.

(Dr. Anshuman, J)

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