

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49383 of 2023**

Arising Out of PS. Case No.-21 Year-2023 Thana- KAJRAILI District- Bhagalpur

Sikandar Mandal Son Of Late Khairu Mandal @ Ramrup Mandal Resident Of
Village - Bhadaria, P.S. - Amarpur, Distt. - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kajrali
P.S. Case No.21 of 2023 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 08.03.2023.

4. The allegation against the petitioner is to have in
possession of one country made pistol alongwith two live
cartridges.

5. Learned counsel appearing on behalf of the
petitioner submitted that as per seizure list it can be said safely
that recovery of alleged firearm was not made from the
conscious physical possession of this petitioner. It is submitted
that seizure list appears doubtful being not supported by



independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in three more cases, where he is on bail in two cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as seizure list appears doubtful being not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.03.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Kajrali P.S. Case No.21 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not
involve in the similar nature of offence



till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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