

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52041 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- FALKA District- Katihar

MANTOO KUMAR @ MANTU KUMAR MANDAL SON OF SIYARAM
MANDAL R/O-FALKA BAZAR, P.S.-FALKA, DISTT.-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Falka P.S. Case No. 100 of 2023 registered on 02.04.2023
lodged under Sections 414 of the Indian Penal Code and Section
25(1-b)a/26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner.

4. Counsel for the petitioner submits that allegation in
the F.I.R. is that two persons were coming with a bag on their
shoulder upon which police have caught them and found that
four parts of country made rifle was there in the bag of the
accused in which it was found that the barrel's length of the said



country made rifle is of 70cm and length of butt was 34 cm and total length including butt and barrel was 104 cm along with motorcycle and two mobile have also been recovered.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that the cartridges of the said parts of country made rifle have not been recovered by which it becomes clear that the said country made rifle were not used by the petitioner for commission of any crime. Counsel submits that the petitioner is in custody since 02.04.2023 having four criminal cases pending against him, in which he is on bail.

6. Counsel for the petitioner submits that the seizure in the complete contravention of Section 100 of Cr.P.C. because both the witnesses are not independent rather they are *Chowkidars*. Counsel further submits that chargesheet has already been filed.

7. Learned counsel for the State opposes the prayer for bail and submits that the antecedents of the petitioner is not clean so at the time of consideration of the bail, the criminal antecedents of the petitioner may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above that the petitioner has



completed six months in custody, 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 Judicial Magistrate-1st Class, Katihar in connection with Falka P.S. Case No. 100 of 2023 subject to the condition laid down under Section 437(3) of the Cr.P.C.

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

9. Let it be clear the petitioner shall be released on bail only after framing of charge.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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