

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56597 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Mantu Kumar @ Mantu Manjhi Son Of Preman Manjhi Village- Santinagar
Ps- Khizersarai Dist- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Buniyadganj P.S. Case No. 157 of 2023 lodged under Sections
25(1-B)a/ 26 of the Arms Act.

3. As per the F.I.R. there were 2 named accused
persons including the present petitioner and offence has been
lodged under Arms Act alleging therein that the said recovery of
arms has been made from the driver, namely, Dharmendra
Manjhi.

4. Counsel for the petitioner submits that from the
reading of the entire F.I.R., it is crystal clear that the recovery of
arms and live cartridges have been made from the conscious
possession of accused namely, Dharmendra Manjhi and no

recovery has been made from the possession of the petitioner. Counsel further submits that the only allegation has come in the F.I.R. which has been alleged to be disclosed that the both the accused persons used to commit crime together. He submits that by virtue of this allegation, the offence under Arms Act has not been constituted.

5. Counsel further submits that petitioner is in custody since 06.05.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, 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 A.C.J.M.-VIII, Gaya in connection with Buniyadganj P.S. Case No. 157 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 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.

(Dr. Anshuman, J.)

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