

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55303 of 2022

Arising Out of PS. Case No.-294 Year-2020 Thana- MAIRWAN District- Siwan

Manish Kumar Singh, Son of Late Ganga Sagar Singh, Resident of Village -
Srinagar, P.S.- Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Ajay Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Mairwa P.S. Case No. 294 of 2020 registered
for the offence punishable under Sections 25(1-b) a, 26, 35 of
the Arms Act.

As per the prosecution case, the police apprehended
one “Pappu Kushwaha” and on search, one 12 bore single barrel
gun has been recovered. It is also alleged that the said co-
accused disclosed the name of the petitioner as one of the



person who fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession, however, only on the basis of the disclosure made by the co-accused before the police, his name has been implicated in this case, moreover, the person on whose disclosure the name of the petitioner has surfaced, he has been allowed bail by co-ordinate Bench of this Court in Cr. Misc. No. 2716 of 2022 vide order dated 18.05.2022. He lastly submits that the petitioner is in custody since 06.06.2022 and now the investigation is complete.

On the other hand, learned APP for the State drawn the attention of this Court to paragraph no. 3 and submits that the petitioner is a habitual criminal and he is found involve in 14 other criminal cases, besides the present one.

At this juncture, learned counsel for the petitioner submits that in fact the criminal antecedent of the petitioner is the reason of the implication in the present case and likewise, other criminal cases, however, he is on bail in all the 14 other criminal cases.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and the person on whose disclosure, the name of the petitioner is surfaced has been allowed bail by the learned co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VII, Siwan in connection with Mairwa P.S. Case No. 294 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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