

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65145 of 2022**

Arising Out of PS. Case No.-53 Year-2020 Thana- MURLIGANJ District- Madhepura

Manish Kumar Mandal S/O - Late Raghunandan Mandal R/O- Village  
Kapsiya Khapur, P.S- Alamnagar District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      24-03-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 399, 402 of the Indian Penal  
Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, in short, is that on 17.02.2020 at  
about 17:30 hours the informant along with the police party  
went to Murliganj Kartik Chowk where he got a secret  
information that a silver coloured car was parked near Murliganj  
Railway Dhala where five persons are planning to commit crime.  
The informant reached there and when the criminals saw the  
police party they tried to flee away. Three accused persons  
including the petitioner managed to escape from there while two  
accused persons were caught. In course of search, a loaded  
country made pistol was recovered from the possession of Neeraj



Yadav and a live cartridge was recovered from the possession of Sandeep Kumar and they could not produce any document regarding the above said seized articles.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Murari Yadav @ Shivam Yadav. He further submits that it appears from the seizure list no incriminating article or firearm has been recovered from the possession of the petitioner or the house of the petitioner and hence no case is made out under the Arms Act. He further submits that similarly situated co-accused person namely Sandeep Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 22.06.2020 passed in Cr. Misc. No. 19843 of 2020 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.04.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one in which he is on bail in all the cases.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Murliganj P.S. Case No. 53 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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**(Rajesh Kumar Verma, J)**

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