

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60514 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- BIBHUTIPUR District- Samastipur

MANMOHAN MUKUND SONU @ MANMOHAN MUKUND Son of Late
Ram Sagar Mahto R/o vill - Bhuidhara, ward no 14, P.S. - Muffasil, Distt. -
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 231 of 2023 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.

3. As per prosecution case, one country made loaded
pistol was recovered from possession of the petitioner and after
unloading the said pistol, four live cartridges were found. It is
also alleged that one Samsung mobile was also recovered from
possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 02.07.2023 and bears no criminal



antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the present case due to village politics. Learned counsel orally submits that no independent witness has been made witness to the seizure list rather witnesses of seizure list are police personnel. In this way, the prosecution has violated the mandatory provision of Section 100 of the Cr.P.C.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 S.D.J.M., Rosera in connection with Bibhutipur P.S. Case No. 231 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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