

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71137 of 2023

Arising Out of PS. Case No.-65 Year-2020 Thana- GANGABRIDGE District- Vaishali

Mantosh Kumar S/O Suresh Ray R/O Village- Sahpur (SAIFPUR), P.S-
Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 65 of 2020 registered on 13.08.2020 for the alleged offences under Sections 25(1-b)a, 26 and 35 of Arms Act.

3. As per prosecution case, the house of the petitioner was searched on suspicion and a country made rifle was recovered from the room of the petitioner and his co-accused brother.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner though it has been alleged



that one country made rifle was seized from one of the rooms of common house in which petitioner along with four brothers have been living with their families. Only due to previous criminal antecedents of the petitioner, police named the petitioner for keeping the country made rifle in his room. The petitioner is in custody since 31.05.2023 and charge-sheet has been submitted. Petitioner has got criminal antecedents of four cases in which two cases petitioner is on bail whereas in two other cases police has not been submitted charge-sheet against the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the nothing incriminating has been shown to be recovered at the instance of the petitioner and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case



No. 65 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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