

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19937 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- BARIYARPUR District- Munger

Balo @ Baljeet Kumar Mandal, S/o Muro @ Murlidhar Mandal, R/o Vill -
Ramdiri Sitakund, Nauagarhi, P.S. - Bariyarpur and Dist. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Verma, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-05-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Bariyarpur P.S. Case No. 141/2023 registered on 01.08.2023 for the offences punishable under Sections 25(1-A), 25(1-AA), 25(1-b)a, 26(i)/35 of the Arms Act.

3. As per prosecution, four persons were made accused in the present case including the present petitioner on recovery of one country made pistol along with one cartridge and 19 articles used for manufacturing of arms illegally.

4. It is submitted by learned counsel for the petitioner that the apprehended co-accused has disclosed the name of other three persons including the present petitioner that they are involved in manufacturing of the gun. Nothing has been



recovered from the conscious possession of the petitioner and for constitution of offence under the Arms Act, recovery from conscious possession is necessary. He further submits that the antecedent of the petitioner is not clean as he is accused in one more case, but the same has been lodged under the Excsie Act and in that case, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that no articles has been recovered from the possession of the petitioner, but the content of the FIR discloses the modus operandi in commission of the crime.

6. Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Munger, in connection with Bariyarpur P.S. Case No. 141/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as 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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