

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32168 of 2024**

Arising Out of PS. Case No.-80 Year-2017 Thana- MOHIUDDIN NAGAR District-
Samastipur

Manoj Rajak Son of Parmeshwar Rajak @ Parmanand Rajak R/O Village-
Ramaiya, P.S.- Mohiuddinnagar, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 22-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mohiuddinnagar P.S. Case No.80 of 2017 registered for the offences punishable under Sections 25(1-b)A/26/35 of the Arms Act.

3. As per the prosecution case, the allegation against the petitioner and other co-accused persons is that they have assaulted and abused the informant and his family members. It is alleged that one co-accused Deji Devi came there with country made pistol which was snatched by the informant and his family members and was handed over to police who came on information.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the informant is own cousin of petitioner and due to dispute over share in the land and flow of sewerage of the house in their respective share the occurrence took place. Learned counsel submits that petitioner has one criminal antecedent. He further submits that the alleged recovery of arm has not been made by the police and after investigation and supervision by the concerned S.P., the case filed against the petitioner was found false. However, due to direction of DIG, Darbhanga, the case is being re-investigated. Learned counsel submits that the co-accused persons have already been granted bail by this Court vide order dated 21.05.2024 passed in Cr. Misc. No.30461 of 2024. He further submits that the petitioner is ready to cooperate in the investigation and trial.

5. Learned APP for the State has opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing



bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of learned J.M., 1st Class, Samastipur in connection with Mohiuddinnagar P.S. Case No.80 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

Ritik/Ankit-

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