

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44343 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- PATEPUR District- Vaishali

Manish Kumar @ Buchchi, S/O Krishna Singh, Resident of village Majharabad, Khesrahi, Lahladpur, P.S. Patepur, Distt- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Goswami, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Sadanand Goswami, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with S.T. No. 27 of 2024, arising out of Patepur P.S. Case No. 206 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. The police, on a secret information that some miscreants are assembled to commit a crime, raided the place of occurrence and apprehended five persons, including the petitioner. On search, from the possession of the petitioner, one live cartridge was recovered.

4. Learned Advocate for the petitioner contended that the recovery of a cartridge from the possession of the petitioner



without any arms/pistol makes the entire case doubtful. It is submitted that in fact the petitioner bears two antecedents and that is the reason the petitioner has been implicated in this case along with the other accused persons. It is also the contention of the petitioner that some of the accused persons have been allowed bail by the court below itself, however, only on account of the criminal antecedent of the petitioner, he has been denied bail by the court below and thus the present application. It is lastly contended that the petitioner is in custody since 20.08.2023. All the more, charge-sheet has been submitted much earlier.

5. On the other hand, learned APP for the State opposes the bail application and submission has been made that the petitioner bears two criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery, qua the period of custody, coupled with the fact that investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Vaishali at Hajipur in connection with S.T. No. 27 of 2024,



arising out of Patepur P.S. Case No. 206 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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