

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47788 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- BARAHAT District- Banka

Magnilal Yadav @ Mangni Lal Yadav @ Mangani Lal Raut, Son of Late Kishori Yadav @ Late Kishori Raut, Resident of village - Mirjapur, Police Station - Barahat, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Opposite Party/s : Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-09-2024 Heard Mr. Balram Kapri, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Barahat P.S. Case No. 55 of 2024 registered for the offence punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. The police in search of absconded accused person, raided the house of the petitioner and apprehended him. On search, a loaded country made pistol and a live cartridge were recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that there is total denial of any recovery



from the possession of the petitioner. It is further contended that in fact on account of previous criminal antecedent of the petitioner, his name has been implicated in this case, showing the recovery from his possession. The seizure list witnesses are none else, but the police personnel and, as such, there is complete defiance of Section 100 of the Code of Criminal Procedure. Moreover, the petitioner has been incarcerated since 04.03.2024. Now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the long list of criminal antecedent, seven in number, clearly suggest that the involvement of the petitioner in serious offences.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated for over a period of six months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 55 of 2024, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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