

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49068 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- PARIHAR District- Sitamarhi

Hasan Mansuri S/O Kasim Mansuri @ Md. Kasim R/O Village-Bhagwanpur,
ward no.12, P.S.-Parihar, Distt-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Parihar P.S. Case No. 147 of 2023, registered
for the offence punishable under Sections 25(1-b)a, 26, 35 and
27 of the Arms Act.

3. This is the second attempt made on behalf of the
petitioner as earlier the prayer for bail of the petitioner was
turned down by learned co-ordinate Bench of this Court in Cr.
Misc. No. 61752 of 2023 vide order dated 29.01.2024 with a
direction to the learned trial Court to expedite the trial and
conclude the same as soon as possible.

4. Learned Advocate for the petitioner contended that
as per the allegation, the petitioner was arrested on spot with



arms and ammunitions and from his possession, two pistols, three live cartridges have been recovered. In fact, the name of the petitioner has been implicated in this case on account of his past criminal antecedent, as has been mentioned in paragraph no. 3 of the bail application. There is total denial of the recovery of firearm from the possession of the petitioner. Moreover, the petitioner contended that irrespective of the direction of this Court, till date, there is no substantive progress in the trial and now the petitioner has been incarcerated for over a period of one year and three months.

5. On the other hand, learned APP for the State vehemently opposes the bail application and contended that out of four charge-sheet witnesses, three of them have already been examined and there is every likelihood that trial shall be concluded within a period of three months.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the crime, in question, is triable by the Magistrate, 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 Judicial Magistrate, Sitamarhi in connection with Parihar P.S.



Case No. 147 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.

(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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