

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47771 of 2024

Arising Out of PS. Case No.-575 Year-2022 Thana- JAMUI District- Jamui

Pappu Mandal @ Surendra Kumar @ Surender Mandal S/o Narayan Mandal
R/o vill - Amrath, P.S. - Jamui, distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C Verma, Sr. Advocate
		Ms. Kumari Anupam, Advocate
For the Opposite Party/s :		Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Y.C Verma, learned senior counsel for
the petitioner and Mr. Sunil Kumar Pandey, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.01.2024 in connection with Jamui P.S. Case No. 575 of 2022,
F.I.R. dated 07.11.2022 for the offences punishable under
Sections 399, 402 and 120B of the Indian Penal Code and
Section 25(1-B)A, 26 and 35 of the Arms Act.

3. According to prosecution case, two country made
pistols have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that from perusal of the F.I.R as
well as seizure list, two country made pistols have been



recovered from the house of the petitioner. He further submits that the petitioner was not apprehended at the place of recovery and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Nitish Kumar and he has stated that the petitioner has kept the arms in question for some other purpose. He further submits that nothing has been recovered from the conscious possession of the petitioner, so no case is made out under the Arms Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.01.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R as well as seizure list, it appears that the recovery has been made from the house of the petitioner and apart from that the petitioner carries 14 criminal antecedents other than the present one but fairly submits on the basis of second supplementary affidavit filed by the petitioner that the petitioner is on bail in 11 cases out of 14.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 575 of 2022, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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