

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48960 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- LALGANJ District- Vaishali

Abhimanyu Kumar @ Manawa @ Virat S/o Nagina Magto, R/o Village-
Ghataro Tola, PS- Kartaha, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Niranjan Parihar, the learned counsel for
the petitioner and Mr. Atul Chandra, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
22.04.2022 in connection with Lalganj, P.S. Case No. 131 of
2022, FIR dated 22.04.2022, registered for the offences
punishable under Sections 25(1-B) a/26, 35 Arms Act, of the
Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No.2676 of 2023, but the same was
dismissed, because the petitioner's counsel did not remove the
defects within the stipulated period. Thereafter, the petitioner
has filed restoration petition for restoration of the aforesaid case
in Cr. Misc. No. 2676 of 2023 and the same was restored vide



order dated 22.05.2023 in Cr. Misc. No. 8502 of 2024 and further two weeks' time was granted to the petitioner to remove the defects, but the same was not complied with. Thereafter the petitioner has filed the present bail petition.

4. According to the prosecution case, upon receiving secret information, the informant along with patrolling party arrested Abhimanyu Kumar near Namidih to Balua Basanta mor, while he was trying to escape after seeing the police. It is further alleged that upon his search, one country made katta along with two live cartridges were recovered from his possession.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from the perusal of the FIR and seizure list, it appears that a country made pistol, one live cartridge, and also eight live cartridges were also recovered from the possession of the petitioner. Apart from that, one Aadhar card, PAN number, bank passbook, and other papers of one Manoj Kumar was also recovered. He further submits that although the recovery has been made from the possession of the petitioner, but there is non-compliance of mandatory provision of Section 100 as prescribed under Cr.P.C. Apart from the police after



investigation has submitted chargesheet against the petitioner and the petitioner is in judicial custody since 24.04.2022, more than two years.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that bare perusal of the FIR and seizure list, it appears that recovery has been made from the possession of the petitioner, in addition to that, the petitioner carries eighteen cases other than the present one, but fairly submits that on the basis of the paragraph no. 3. of the bail petition, petitioner is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Vaishali at Hajipur in connection with **Lalganj P.S. Case No. 131 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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