

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54597 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- BASANHI District- Saharsa

Mithun Mandal Son of Anuplal Mandal @ Buchho Mandal R/O Vill.- Dotara,
Ward no.13, P.s.- Basnahi, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Buddhi Lal Yadav, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Basnahi P.S. Case No.7 of 2024 registered for the offence punishable under Sections 25 (1-b) (a), 26 of the Arms Act.

3. In course of patrolling, the police received a confidential information whereupon he raided the place of occurrence and apprehended the petitioner who was carrying one country made pistol (Desi Katta) with a live cartridge.

4. Learned Advocate for the petitioner contended that on account of some dispute with the villagers the police was called upon and thereafter the petitioner was apprehended and handed over to the police, showing recovery of country



made pistol and cartridge from his possession. It is further contended that be that as it may, the offence is triable by the Magistrate and now the petitioner has been incarcerated since 18.01.2024, moreover, the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is complete and the charge-sheet has been submitted, 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 J.M. 1st Class, Saharsa, in connection with //// P.S. Case No.7 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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