

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55719 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- RAXAUL District- East Champaran

Manoj Mahajan Son of Nir Mahajan R/V- VILLAGE- BAHALPUR
GAUDAKOT, P.S.- RAJAR, DISTT.- NAWAL PRAS NEPAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mr. Hemant Ray, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Raxaul P.S. Case No. 157 of 2024 for the offence punishable under sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 06.05.2024 by the informant, Anuj Kumar Singh.

3. As per the prosecution story, the informant alleged that the Police during the Lok Sabha elections was on alert when it found two persons, one coming with a black bag and other having a packet from the Raxaul Railway side. Upon challenging, they tried to escape by throwing the bag. The person with the black bag escaped while the other was apprehended (petitioner herein) from whom there is recovery/seizure of loaded U.S. made pistol with two live cartridges. Further, from the black bag there is recovery of Italy



made loaded automatic pistol again with two live cartridges.
This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that as per the FIR, the black bag from which the Italy made pistol has been recovered/seized does not belong to him, he had no knowledge about the presence of arm in the packet which was assigned to him by Lucky Sardar, he has no criminal antecedent and is in custody since 07.05.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that automatic pistol has been recovered from his possession.

6. Considering the submissions put forwarded by the parties as also that he is a Nepali citizen, has remained in custody since 07.05.2024 having no criminal antecedent, charge-sheet stands submitted and an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Raxaul P.S. Case No. 157 of 2024 subject to the following conditions:



- (i) one of the bailor should be the native of India who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;
- (iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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