

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57821 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- KHAGARIA District- Khagaria

Manish Kumar Son Of Ganesh Prashad R/V- Village- Mil Road, P.S.-
Khagariya, Dist.- Khagariya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Swetang Sinha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Khagaria P.S. Case No.
304 of 2024, instituted for the offences punishable under
Sections 25(1-b)(a), 26 of the Arms Act and Section 37 of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, there is
recovery of one country made pistol along with one live
cartridge from the possession of the petitioner and after the
breath analyzer test the petitioner was found drunk.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the recovered arms does not belong to the petitioner. The petitioner is in custody since 03.06.2024 and has got three criminal antecedents in which he is on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Khagaria P.S. Case No. 304 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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