

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59088 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Mangal Singh, S/O Late Jai Singh, R/o-Dhanupura, P.S.-Kadarchawk, District
- Badau (U.P.) at present Village - Sahutaola, Banjariya, P.S- Town, Motihari,
District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Prasad, Advocate
For the Opposite Party : Mrs. Dr. Indihar Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 46 of 2024 dated 20.01.2024 registered for the
offences punishable under Sections 399, 400, 402 of the I.P.C.
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the informant saw that
the accused persons were hiding themselves behind the brick
stock and thereafter police apprehended five accused persons
including the petitioner. It is further alleged that on search, one
loaded country made katta alongwith one live cartridge was
recovered from the possession of the petitioner and several arms



and ammunition were recovered from the possession of other co-accused persons. The petitioner and the other co-accused persons disclosed that they used the seized articles for committing theft in the jewellery shop.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that on the seizure list both the witnesses are the police constables and there is no independent witness. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has never committed theft or other crimes as alleged in the F.I.R. The other co-accused persons Akash and Umashankar have already been granted bail by a Bench of this Court vide Cr. Misc. No. 43942 of 2024 under order dated 09.07.2024. The petitioner has five criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 21.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned 22nd Additional Sessions Judge, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 46 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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