

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64880 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Manoj Sah @ Rohit Raj S/o Suryanarayana Sah R/o vill - Husaina, P.S. -
Medanichauki, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr.Vijay Kumar, learned counsel for the

petitioner and Mr.Shailendra Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mednichauki P.S.Case No.132 of 2024, FIR dated 05.06.2024 registered for the offences punishable under Sections 399,402 of IPC and Sections 25(1-B)a,26(i),35 of Arms Act.

3. The case relates to recovery of one ,loaded country made pistol with cartridges, a black colour mobile set of Vivo company alongwith SIM, a mobile set of 1+c3 light company, a mobile set of Realme company alongwith SIM and a motorcycle.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Karan Yadav. It appears from the FIR itself that one loaded country made pistol and Key Pad Mobile alongwith SIM was recovered from possession of co-accused person, namely, Karan Yadav and he has disclosed that petitioner and other co-accused person have fled away from the place of occurrence.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Karan Yadav and no case is made out against the petitioner under the Arms Act for the purpose of granting anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the court below



within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Lakhisarai in connection with Mednichauki P.S.Case No.132 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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/her criminal antecedent, the court below 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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