

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72477 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Munna Prasad @ Munna Kumar, Son of Late Raja Ram Prasad, Resident of
Village- Rampati Bazar, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-10-2024 Heard Mr. Shailendra Kumar Jha, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Bhairavsthan P.S. Case No. 95 of 2023 registered for the offences punishable under Sections 25(1-b) a/ 26/35 of the Arms Act.

3. The police on a secret information apprehended two persons, including the petitioner. On search, from the possession of petitioner one country made pistol and one live cartridge, besides mobile were recovered. So far the co-accused is concerned, from his possession one live cartridge was recovered.

4. Learned Advocate for the petitioner contended that in fact in course of raid, on being found the petitioner on the



place of occurrence, his name has been implicated in this case showing recovery of one country made pistol and one live cartridge, besides mobile, which is nothing but only smacks malafide on the part of the police personnel. It is next contended that the seizure list witnesses are non-else, but the police personnel and, as such, there is complete defiance of Section 100 of the Cr.P.C. Be that as it may, the petitioner is in custody since 20.07.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is facing two criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the crime, in question, is triable by a Magistrate, 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 Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Bhairavsthan P.S. Case No. 95 of 2023, 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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