

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84734 of 2023

Arising Out of PS. Case No.-416 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Mantosh Kumar Son Of Surendra Sahani Resident Of Village - Sarwanichak,
P.S. - Bochahan, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha Chandra, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bochahan P.S. Case No. 416 of 2023 lodged under Sections 399,
402, 412, 414 and 120B of the I.P.C. read with section 25(1-b)a/
26, 35 of the Arms Act. read with Section 20, 22 of the N.D.P.S.
Act.

3. As per the prosecution case, there are five named
accused persons who were apprehended by the police. Upon
secret information received by the police, total 5 accused
persons were apprehended and 1.5 Kg Ganja, three pistols and
live cartridges were recovered from their possession.

4. Learned counsel for the petitioner submits that
from the seizure list, it transpires that the recovery of pistols,



live cartridges and 750 Gram Ganja has been made from the possession of three accused persons, but from the possession of the petitioner, only Rs.5,000/-, Redmi mobile, a Pulsar motorcycle and a Bullet motorcycle have been recovered.

5. Counsel for the petitioner submits that petitioner is in custody since 30.07.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that it is a case under Arms Act and N.D.P.S. Act., but also accepts that from the petitioner's possession, neither N.D.P.S. material nor arms has been recovered.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Muzaffarpur in connection with Bochahan P.S. Case No. 416 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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