

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84217 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Manibhushan Kumar Son of Late Feku Ray Resident of Village- Mahesha
Larkaniya tola, Ward no 1, Rampurhari, PS -Mahindwara District- Sitamarahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Mahindwara P.S. Case No. 130 of 2023 for the offence punishable under sections 25(1-B)a, 26, 35 of the Arms Act lodged on 01.09.2023 by the informant, Ajay Kumar.

3. As per the prosecution story, the police during patrolling and on secret information, intercepted/apprehended the accused and on search, a country made revolver/live cartridges recovered from the pocket. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated and has already remained in custody since 02.09.2024 but nothing has been recovered from his conscious possession and the police has implicated him.



5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Taking into account the aforesaid submissions, particularly, that he has remained in custody for more than a year, FIR is there, he will be facing the trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 130 of 2023 subject to the following conditions:

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

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



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

(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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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