

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2720 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- LAUKAHI District- Madhubani

Nitish Kumar Mandal Son of Ram Deo Mandal Resident of Village-
Lakshminiya, P.S.- Laukahi (Narahiya O.P.), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13, Adv.

Mr. Rohit Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Laukahi (Narahiya O.P.) P.S. Case No. 251 of 2023 dated
27.09.2023, corresponding to G.R. No. 1705 of 2023, lodged
under Sections 25(1-b)a and 26 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner and there is an allegation
that the recovery of one *desi katta* and two live cartridges have
alleged to be made from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is in custody since 27.09.2023 having clean

antecedent. He further submits that the said recovery has not been made from the conscious possession of the petitioner rather it has been made from the hut of the petitioner which is in public domain. He further submits that charge-sheet has already been filed in this case and the trial is magisterial in nature.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. 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 Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Jhanjharpur, District- Madhubani in connection with Laukahi (Narahiya O.P.) P.S. Case No. 251 of 2023, subject to the 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.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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