

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28869 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- SARSI District- Purnia

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Domri Mandal S/o Chulho Mandal @ Chulo Mandal Resident of Murballa,
Ward No. 12, P.s.- Barhara Kothi, Disterict- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2025 Heard Mr.Md Fazle Karim, learned counsel for the

petitioner and Mr.Ashok Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sarsi P.S. Case No.188 of 2024, dated
17.10.2024 registered for the offences punishable under
Sections 25(1-b), 26 and 35 of Arms Act.

3. The prosecution story, in brief, is that one Raja
Kansar on 16.10.2024 for important work, went to Sarsi Bazar
by his motorcycle at about 07:00 PM. When he reached to
Barkana Canal, saw 6 persons sit on two motorcycle tried to
stop him by making overtake. Informant anyhow came to his
house and stated all incident to his family members and
villagers on which they came to his house and stated all incident



to his family members and villagers on which they searched them and found two boys with one motorcycle. Villagers caught one of them and the accused namely Ajab Kumar removed pistol from his waist with intention to kill and show them. Villagers anyhow seized the pistol and motorcycle came to the village and informed the police. When police reached the place of occurrence the villagers handed over the accused with seized pistol to the police.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. It appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from possession of co-accused person, namely, Ajab Kumar which suggests that no case is made out against the petitioner under the Arms Act and apart from that, name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Ajab Kumar and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner and name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Ajab Kumar, 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, Purnea in connection with Sarsi P.S. Case No.188 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of the BNSS, 2023 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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