

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59233 of 2026

Arising Out of PS. Case No.-50 Year-2026 Thana- MARANCHI District- Patna

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Ajay Mahto S/O Chhoti Mahto Resident of Village- Lavki Bind toli, Simariya
Ghat, P.S.- Chakiya, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 19-08-2026 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. appearing for the State.

2. Petitioner is in custody in connection with

Maranchi P.S. case no. 50 of 2026 registered for the offences

punishable under Section 25(1-B) a, 26, 35 of Arms Act.

3. As per the allegation in the FIR, on 18.05.2026 at

about 03:10 A.M., on the basis of a typed application submitted

by S.I. Avdesh Kumar, it is alleged that he, along with other

police personnel, proceeded to conduct a raid upon receiving

information that some persons were loitering near a chimney

with an intention to commit loot. Upon reaching the spot, the

police party allegedly found three persons sitting there. On



search, one country-made pistol (desi katta) along with one live cartridge was allegedly recovered from the trouser of Sonu Kumar, two live cartridges were allegedly recovered from the pocket of Ajay Mahto and one country-made pistol along with one misfired cartridge was allegedly recovered from the possession of Lakshman Mahto. Thereafter, a seizure list was prepared at the spot and the seized articles were taken into custody. A raid was accordingly conducted and the accused persons were apprehended.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. As per the prosecution allegation, only two live cartridges are stated to have been recovered from the pocket of the petitioner, and no firearm or other weapons have been recovered from his possession. Learned counsel further submits that charge-sheet has already been submitted in the case and, therefore, there is no allegation against the petitioner of tampering with the evidence or influencing the witnesses. It is also submitted that the petitioner has remained in custody since 18.05.2026. Though the petitioner has one



criminal antecedent, he is on bail in the said case. On the aforesaid grounds, learned counsel submits that the petitioner deserves the privilege of regular bail.

5. Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner and submits that two live cartridges were allegedly recovered from the possession of the petitioner which is evident from the seizure list. Learned APP further submits that the accused persons were apprehended at the spot and that the recovery of firearms and live cartridges from their possession constitutes a serious allegation against them. It is further submitted that the petitioner has one criminal antecedent. Learned APP, therefore, submits that, no case for grant of the privilege of regular bail is made out in favour of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, it transpires that the two live cartridges were recovered from the possession of the petitioner, whereas no firearm or other weapon is alleged to have been recovered from him. The charge-sheet has already been submitted in the case and the petitioner has remained in custody since 18.05.2026. The petitioner bears one criminal antecedent, in which he is presently on bail.



7. Having regard to the facts and circumstances of the case, the period of custody undergone by the petitioner, the nature of the alleged recovery, this Court is of the considered view that the petitioner deserves the privilege of regular bail, accordingly, let the above named petitioner 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 the learned court of A.C.J.M III, Barh in connection with Maranchi P.S. case no. 50 of 2026, subject to the 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 absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, 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 criminal antecedents, 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.

(Girijish Kumar, J)

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