

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14747 of 2015

Arising Out of PS.Case No. -455 Year- 2013 Thana -DANAPUR District- PATNA

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Kunal Mahto @ Kundal Mahto son of Sokal Mahto @ Sofal Mahto,
resident of Village - Mobarakpur (Agriculture Farm), P.S. - Sahpur, District
- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 399 and 402 of the Indian Penal Code as also under Section 25 (1-B) (a)/26/27/35 of the Arms Act.

Though the petitioner is named in the first information report vide Annexure-1 as an accused and there is allegation of recovery of one loaded country made pistol and one .315 bore live cartridge besides four mobiles but taking into consideration the fact that he is in judicial custody since 17.08.2013, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S.Case No. 455 of 2013, subject to the following conditions:

(A) one of the bailors must be a government servant

(B) another bailor shall be father or mother of the petitioner who will file an affidavit in the court

below showing his/her relationship with the petitioner,

(C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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