

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49530 of 2013**

Arising Out of PS.Case No. -239 Year- 2012 Thana -BAKHRI District- BEGUSARAI

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Bimlesh Mahton @ Bimlesh Mahto, S/O Sri Raghu Nandan Mahto,  
Resident Of Village- Karaitar, Police Station- Bakhari, District- Begusarai

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. R.B.S.Pahepuri(APP)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL ORDER**

12    10-04-2015                      The petitioner was arrested on 17.11.2012 in connection with Bakhari P.S. Case No.239 of 2012, wherein offence under Sections 307, 341, 353 of the I.P.C. and 25(1-B)1, 26 and 27 of the Arms Act was alleged. It was alleged that the informant, a police official, while on duty, heard the sound of gun-shot and, in the meanwhile, some persons fled away with the motorcycle and thereafter the petitioner herein was noticed at the spot. The informant, police officer, in self defence fired gun at the petitioner and the petitioner was caught at the spot due to injury. Prosecution also alleged that the petitioner is figuring as accused in several other cases. B.A. No.883 of 2013 filed by the petitioner in the court of 1<sup>st</sup> Additional Sessions Judge, Begusarai was rejected on 25.9.2013. Hence this application.

This Court passed several orders at various stages. The fact as to whether the trial of the case has commenced is also sought. It is reported that the trial of the case is in progress. The petitioner is in jail for the past two and a half years. This is not a case where the allegation of committing any offence is alleged and even the allegation discloses that there was a scuffle with the police in apprehending the petitioner. The question of the petitioner making effort to influence the police does not arise. Hence, the application is allowed.

The petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusari, in connection with Bakhari P.S. Case No.239 of 2012, subject to the condition that he shall appear before the Bakhari Police Station on first and third of every Sunday in a month between 10 A.M. and 11 A.M.. If he fails to report for more than two occasions during the trial, his bail shall stand cancelled.

**(L. Narasimha Reddy,CJ)**

PNM

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