

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50812 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -BYPASS District- PATNA

Subash Mahto, Son of Basant Mahto, Resident of Baharidhawalpur, P.S.-
Bye-pass, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Ashok Kumar (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 27-11-2015 Heard Sri Abhay Kumar, learned counsel for the
petitioner and Sri Ashok Kumar, learned Addl. Public Prosecutor.

The petitioner, who is in custody in Bye-pass P.S.
Case No. 45 of 2015 registered for the offence under Sections
25(1-b)a, 25(1-a), 25(1-aa) and 25(1-1c) of the Arms Act, 1959,
has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that no alleged articles were recovered from the conscious
possession of the petitioner. At the time of the raid, petitioner's
son was arrested and it appears that on his confessional statement,
petitioner's name has been disclosed and the petitioner has been
made accused. He submits that the petitioner was running a leth
machine shop and from the shop in question, certain articles were

recovered, besides one country-made pistol and some cartridges. He submits that co-accused i.e. son of the petitioner has already been granted bail and the petitioner is in custody since 15th June, 2015.

Sri Ashok Kumar, learned Addl. Public Prosecutor has vehemently opposed the prayer of the petitioner. He submits that the petitioner, in the garb of leth machine shop, was virtually running a factory of manufacturing illegal arms and number of such articles were recovered from the shop of the petitioner.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that co-accused, who is son of the petitioner, has already been granted bail, however; he has been granted bail on the ground of juvenility, which is evident from the impugned order. The petitioner is in custody since 15-06-2015.

Accordingly, in view of period of custody, let the petitioner, namely; Subash Mahto be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri R.K.Bharti, Judicial Magistrate 1st Class, Patna City/concerned court in connection with Bye-pass P.S. Case no. 45 of 2015, on condition that during the trial, the petitioner shall remain

physically present on each and every date. If continuously on two dates, without prior permission of the trial court, the petitioner remains absent, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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