

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5728 of 2017

Arising Out of PS.Case No. -523 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Thakur Kumar Mahto, S/o Late Niranjana Mahto, R/o Village-Dighikala,
P.S.-Hajipur Sadar, District-Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
03.08.2016 in connection with Hajipur Town P.S. Case No.
523/16 for offences punishable under Sections 399/402 of the
Indian Penal Code and Section 25(1-b)/A/26(ii)/35 of the Arms
Act.

The prosecution case is that on secret information
police seized a Tavera vehicle in the shape of Ambulance in which
some persons were sitting or sleeping in a suspicious condition
and on seeing the police party the persons sitting in the vehicle
tried to flee away, but petitioner along with two others was
apprehended. From the possession of the petitioner one country-



made pistol and one live cartridge was recovered, and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It is submitted that there are many contradictions in the seizure-list and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that one of the co-accused on similar allegation, has since been granted the privilege of bail by this Court in Cr. Misc. No. 51211 of 2016 on 01.12.2016.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances, since charge-sheet has already been submitted and another co-accused on similar allegation has been granted the privilege of bail, let petitioner, above named, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No.523/16.



This direction of bail is subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J)

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