

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43032 of 2017

Arising Out of PS.Case No. -199 Year- 2017 Thana -BARHARA District- BHOJPUR

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1. Gorakh Mahto @ Gore @ Jay Prakash Mahto @ Gore Mahto @ Jai Prakash Singh Son of Kamata Prasad Singh, resident of Village- Ibrahim Nagar, P.S. Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Barhara (Krishnagarh) P.S. Case No. 199 of 2017 for offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25 (1-b)a, 26, 13 Arms Act.

The prosecution case, as lodged by the police personnel is that on information that white Scorpio case is to be looted, from the white Scorpio Case six persons including the petitioner was apprehended who was sitting in the middle of the seat and arms and ammunitions, chilly powder etc. were



recovered from other accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, and nothing has been recovered from his conscious possession and he was just a passenger and had nothing to do with the loot. He further submits that charge-sheet has already been submitted and there is no chance of tampering of the prosecution witnesses and petitioner is languishing in judicial custody since 12.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that one more case of Arms Act is pending against the petitioner.

Considering the facts and circumstances and the materials on record, 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 C.J.M., Ara in connection with Barhara (Krishna Garh) P.S. Case No. 199/17 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner. It is also made clear that if the petitioner indulges in an offence of



similar nature in future, the prosecution will be at liberty to
move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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