

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16680 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

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Gorakh Mahto @ Jai Prakash, Son of Kamta Prasad @ Kamta Prasad Singh, Resident of Mohalla - Ibrahim Nagar, P.S. Arrah Town, District - Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Md. Ataul Haque, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-04-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 05.01.2017 in connection with Ara Town P.S. Case No. 04 of 2017 for the alleged offences under Sections 25(1-b) (a)/35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated as the recovery of the incriminating articles has been made from the house/room of the petitioner's brother Chandra Prakash Mahto as evident from the seizure list narrating the place of seizure. There is conflict with regard to the place of seizure as stated in the FIR and in the seizure list which itself casts doubt over the veracity of the accusation. The petitioner claims clean antecedents.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 05.01.2017 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 04 of 2017 on the following conditions :-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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