

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6713 of 2019

Arising Out of PS. Case No.-210 Year-2007 Thana- JAGDISHPUR District- Bhagalpur

Bishu Mahto, aged about 40 years, Male, Son of Late Bangali Mahto Resident
of Village - Hari Nagar, Tarchha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
15.10.2018 in a case registered for the offences punishable
under Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case as per the self-statement of S.I.
Umeshwar Prasad recorded on 31.12.2017 is to the effect that a
secret information was received on mobile phone that co-accused,
Dhannu Mandal has been deputed to watch paddy crops, carrying
a country made rifle. Consequently, a raid was laid and he was
apprehended and from his possession, a country made rifle was
recovered. It is further alleged that the apprehended co-accused
suggested that the rifle was given to him by co-accused Budhu
Pandit and the petitioner Bishu Mahto.

It is submitted by learned counsel for the petitioner



that the said recovery has not been made from the possession of the petitioner and the petitioner has falsely been roped in the present case simply on the basis of confessional statement of apprehended co-accused. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused from whom the alleged rifle was recovered.

Considering the fact that the rifle was recovered from the possession of apprehended co-accused Budhyu Pandit and Bishu Mahto, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 ACJM-XI, Bhagalpur, in connection with Jagdishpur (Goradih) P.S. Case No.210 of 2007.

(Dinesh Kumar Singh, J)

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