

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24202 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- BALIYA District- Begusarai

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DINESH MAHTO, Male, aged about 42 years, S/o Chandradeo Mahto, R/o
village- Baburbani Kishanpur, P.S.- Baliya, District- Begusarai
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Binod Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
24.11.2018 in connection with Balia P.S. Case No. 334 of 2018
for the offences alleged under Sections 307, 353 and 34 of the
Indian Penal Code and under Sections 25(1-AA), 25(1-A), 25(1-
B)(a), 26, 27 and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that a dreaded criminal, Rudal
Yadav, along with his associates is planning to commit some
crime, the police, along with Special Task Force officials,
conducted a combing operation and after various rounds of
firing and cross-firings, four persons, including the petitioner,
were apprehended. On search, from all the accused huge
quantity of arms and ammunitions were recovered and from the



possession of the petitioner one loaded muscat and ten live cartridges were recovered. From the place of occurrence also various arms and ammunitions were recovered and some of the accused persons, who had fled was named by the apprehended accused. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge sheet has already been submitted and the petitioner is languishing in judicial custody since nearly five months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that that the petitioner does not bear a clean antecedent and one more case, under serious offence, is pending against him. It is, further, submitted that the petitioner belongs to a dreaded group of criminals led by one Rudal Yadav and also huge quantity of arms and ammunitions were recovered from all the apprehended co-accused and also from the possession of the petitioner.

Considering the nature of allegations and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

The application is, accordingly, **rejected**.



However, petitioner is at liberty move the Court for
bail after framing of charge.

(Nilu Agrawal, J)

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