

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53423 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Ajay Kumar Mahto @ Ajay Kumar, Son of Rajendra Mahto Resident of Village- Pandh Pachhiyari Tola, Ward No. 5, P.S.- Dalsing Sarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha
For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner seeks regular bail in connection with Dalsingsarai P.S. Case No.67 of 2019 for the offence punishable under Sections 25(I-B) (a), 26, 35 of Arms Act and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story as per First Information Report is that the police received information that some criminals are involved in the smuggling of arms and the police arrested one Ritesh Kumar along with two loaded country-made pistol, one live cartridge and one bottle of foreign liquor also. Upon query, said Ritesh Kumar disclosed the name of the petitioner as supplier of the arms.



Learned counsel for the petitioner submits that petitioner has been implicated in this case on the basis of confessional statement of the co-accused, who disclosed the name of the petitioner, as one of the supplier. Learned counsel further submits that no incriminating materials or arms have been recovered from the possession of the petitioner and the said Ritesh Kumar, from whom the illegal arms has been recovered, has been granted regular bail by this Court vide order dated 22.08.2019 passed in Cr. Misc. No.51659 of 2019.

On the contrary, learned counsel appearing for the State vehemently opposes the prayer for bail and submits that petitioner has criminal antecedent and earlier a case under the Arms Act was lodged against the petitioner in which he is on bail.

Having heard learned counsel for the parties and taking into consideration the fact that name of the petitioner has been disclosed by the co-accused and no incriminating material or arms has been recovered from the possession of the petitioner to connect him with the present offence, I am inclined to grant regular bail to the petitioner. Accordingly, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Sessions Judge, Second-cum-Special Judge, Excise, Samastipur in connection with Dalsingsarai P.S. Case No.67 of 2019.

(Anil Kumar Sinha, J)

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