

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72195 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- KHIRI MORE District- Patna

KAUSHAL MAHTO S/o Yogendra Mahto @ Yogendra Prasad Singh R/o
village- Bedauli, P.S.- Khiri More, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Khiri More P.S. Case No. 67 of 2019, registered for the
offence punishable under Sections 25(1-B)a, 26 and 35 of the
Arms Act.

The allegation is regarding recovery of seven live
cartridges and one country made pistol from the petitioner
herein after he was apprehended by the police and a search
was made.

The learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in
the present case and he is languishing in custody since



29.7.2019.

I have heard the learned counsel for the petitioner and the learned APP for the State, as also perused the materials on record.

The petitioner is stated to be accused in three other criminal cases on the allegation of having committed heinous offences, the details whereof are given hereinbelow:-

(1) Paliganj P.S. Case No. 5 of 2008 for offences punishable under Section 25(1-b)a, 26, 35 of the Arms Act in which the petitioner is on bail and (2) Paliganj P.S. Case No. 46 of 2013 for offences Punishable under Section 302/34 and Section 27 of the Arms Act in which the petitioner is on bail and (3) Khiri More P.S. Case No. 50 of 2019 for offences punishable under Sections 147, 148, 149, 341, 323, 307, 427/504 of the Indian Penal Code and Section 27 of the Arms Act in which the petitioner is not on bail.



It is apparent that the petitioner has a bad criminal antecedent and he is a habitual offender, hence, it would not be in the interest of the society at large to enlarge the petitioner on regular bail. In this connection, reference be had to a judgment rendered by the Hon'ble Apex Court in the case of *Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr.* reported in *(2012) 9 SCC 446*.

Having regard to the facts and circumstances of the present case and for the reasons mentioned hereinabove, the present bail petition stands dismissed.

(Mohit Kumar Shah, J)

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