

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77482 of 2019

Arising Out of PS. Case No.-420 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

ABHI RAM MAHTO Son of Rajendra Mahto Resident of Ward No.6,
Sikandarpur, Jinedpur, Rajaura, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 353, 323 of the Indian Penal Code and Sections 25(1-
B)a, 26(2) and 35 of Arms Act.

Allegation is that one pistol with three cartridges and
two loaded country made katta are recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 21.07.2019. Charge sheet has
been submitted in this case. Charge sheet has been submitted in
this case. There is no allegation of tampering of witnesses
alleged against the petitioner. The petitioner has falsely been
implicated in the present case. One pistol with three cartridges
and two loaded country made katta are said to have been



recovered from the joint house. At best, it is a case of recovery from the constructive possession and nor from the conscious possession. The petitioner had no knowledge regarding the arms which were kept in the joint house. Hence no offence under the Arms Act is made out. There is no compliance of Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Town P.S. case No.420 of 2019.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

