

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13623 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

UPENDRA MAHTO @ UPENDAR MAHTO Son of Late Janki Mahto
Resident of Village - Siwaipatti, P.S.- Siwaipatti, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-06-2020 This case has been heard through video- conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 414 of the Indian Penal Code
and 25 (1-B)a, 26 of the Arms Act.

Prosecution case as lodged by the police personnel is
that on 13.11.2019 at about 6.30am, while checking the vehicle
at Karchauliya Chowk, it was informed to the informant of the
case that FIR named accused Upendra Mahato of Shiwaipatti
P.S. No. 6/49 is at his house with illegal weapons. Upendra
Mahato can be arrested with weapons if raid is made. After that
the informant with other police personnel conducted a raid in
which the petitioner along with arms was arrested.



It has been submitted on behalf of the petitioner that he is innocent, not committed any offence and has been falsely implicated in this case. He submits that the offences alleged in the FIR under Section 414 IPC is not applicable in this case because nothing theft article has been recovered from the possession of the petitioner and recovered property bearing BR-55B-7219, chassis no. MD2A11CY2KRK32231, engine no. DHYRKK52568 is not a stolen property. He submits that a loaded country made pistol was recovered beneath the pillow and one motorcycle was recovered. He submits that nothing incriminating has been recovered from the possession of the petitioner, rather alleged recovered articles were planted by the police at the instance of his enemies. He submits that all the provisions of Section 100 Cr.P.C. particularly provisions of Sub-Sections 4 and 7 of Section 100 Cr.P.C. have been flouted. He further submits has petitioner is languishing in judicial custody since 14.11.2019.

Learned counsel for the State vehemently opposes the prayer for bail.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two



sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Siwaipatti Police Station Case No. 163 of 2019 subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

devendra/-

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

