

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18974 of 2020

Arising Out of PS. Case No.-618 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

MOHIT KUMAR Son of Ram Bilash Das Resident of Village - Bishnupur,
Naulakha Mandir Road, P.S.- Nagar, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Surendra Prasad Singh, Advocate

For the Opposite Party/s : Mr Akshay Lal Pandit, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Surendra Prasad Singh, learned counsel for the petitioner as well as Mr Akshay Lal Pandit, learned APP for the State.

Petitioner seeks bail in Town Police Station (for brevity, *PS*) Case No 618 of 2019 instituted for the offence punishable under Sections 25 (1-B)a, 26, 31, 35 of Arms Act.

Prosecution case alleges that the petitioner was



arrested from the house of Baua Poddar (co-accused) where the police, acting on information regarding illegal arms deal, had arrived. It is alleged that from the petitioner's possession, two country made pistols and 40 live cartridges were recovered.

Petitioner's counsel submits that it is a case of false implication and that the petitioner in fact had gone to the house of Baua Poddar for servicing the gas stove at his residence. He is not in any way concerned with the said Baua Poddar or the recovery in question. There is no compliance with Section 100 of Criminal Procedure Code and that the false implication of the petitioner cannot be ruled out. Having no criminal antecedent, the petitioner is in custody since 16.10.2019.

The learned APP for the State opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in Town PS Case No 618 of 2019 subject to the following conditions -

- (1) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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

