

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.356 of 2020

Arising Out of PS. Case No.-327 Year-2019 Thana- ARA NAGAR District- Bhojpur

Gorakh Mahato Son of Sri Kamata Mahato @ Kamata Prasad Resident of
Village - Ibrahim Nagar, P.S.- Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Dr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-10-2020 Heard the parties through video conferencing.

This revision application is admitted for hearing.

By order dated 31.08.2020 while calling for the lower court records, it was directed that the prayer for suspension of sentence and stay of fine shall be considered on receipt of the lower court records. The lower court records have been received.

As per the prosecution case, information was received by the informant on telephone that the accused persons including the petitioner herein had gathered near the Sanjay Gandhi College and were possibly making plans for committing an offence. It is further stated that on seeing the police personnel, they made an attempt to escape and in course of fleeing they also fired upon the police personnel. The petitioner



herein was caught while the other accused managed to escape. It is submitted that the petitioner's conviction specially under section 26 of the Arms Act is not in accordance with law laid down by this Court in a number of judgments. In any case of the matter the petitioner has remained in custody for more than a year.

Having heard learned counsel for the parties it transpires that the petitioner has been convicted under section 25(1-B)(a) of the Arms Act and sentenced to undergo simple imprisonment for a term of two years and six months and a fine of Rs. 5,000/-. He has further been convicted under section 26 of the Arms Act and directed to undergo simple imprisonment for a term of five years and a fine of Rs. 5000/-, both the sentences having been directed run concurrently.

Having gone through the records of the case as also the submissions made on behalf of the petitioner and specially taking into consideration the petitioner being in custody since 12.7.2019 i.e. for about 1 year and three months, the Court is inclined to enlarge the petitioner on bail during pendency of this application.

The petitioner, during pendency of the instant application is directed to be enlarged on bail in connection with



Ara Town P.S. Case no. 327 of 2019 (Tr. no. 260 of 2019) on
furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two
sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Ara, Bhojpur.

(Partha Sarthy, J)

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