

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80118 of 2019**

Arising Out of PS. Case No.-182 Year-2017 Thana- KUTUMBA District- Aurangabad

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MUKESH MEHTA @ MUKESH KUMAR MEHTA @ MUKES KR.
MEHTA Son of Lakshminarayan Mehta Resident of Village-Dhawabar
(Belbigha Tola), P.S.-Hussainabad, District-Palamu (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 06-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Kutumba PS case no. 182 of 2017 instituted for the offence
punishable under Sections 25(1-B)a/26/35 of Arms Act and
Section 17 of C.L. Act.

The allegation of the prosecution is that a secret
information was received by the police that the main accused
namely Arvind Ram and his associates including the petitioner
herein, who are members of *Jharkhand Jan Mukti Parishad*,
were hatching a plan to execute some crime at village Kakoria,
Lotnia, PS-Hussainabad, Dist-Palamu (Jharkhand), whereafter
the police had constituted a raiding party and thereafter, the



police had conducted a raid at the house of one co-accused Satyendra Yadav from where arms and ammunitions were recovered, however the other co-accused persons including the petitioner managed to escape.

The learned counsel for the petitioner has submitted that the petitioner was not arrested from the spot and he has been falsely implicated in the present case merely on account of his name being disclosed, during the course of confessional statement made, by the co-accused person namely Manish Kumar. It is further submitted that neither any arms has been recovered from the petitioner nor there is any material on record to suggest the complicity of the petitioner in the alleged occurrence and moreover, no crime had been committed by the accused persons including the petitioner. The learned counsel for the petitioner has further submitted that out of the three cases which are pending against the petitioner herein, he has been acquitted in one case while he is on bail in the other two cases. Lastly, it is submitted that the petitioner is languishing in custody since 02.12.2018.

Having regard to the facts and circumstances of the present case as also taking into account the fact that the petitioner is languishing in custody since more than one year



and no incriminating articles have been recovered from him, I deem it fit and appropriate to grant the privilege of bail to the petitioner herein.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Aurangabad in connection with Kutumba PS case no. 182 of 2017.

(Mohit Kumar Shah, J)

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