

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13493 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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DEEPAK KUMAR @ DIPAK MAHTO Son of - Kailu Mahto Resident of -
Ward No. 11, Godam Tola, Samsa, P.S.- Nowkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nowkothi P.S.
Case No. 70 of 2020 registered for the offence punishable under
Sections 25 (1-B) a, 26 and 35 of the Arms Act and under Section 30
(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner is that a country made loaded
kata and a mobile phone were recovered from the possession of the
petitioner and a mobile and two live cartridges were recovered from
the possession of Mahesh Mahto and two bottles of sprite containing



Mahuwa Wine measuring one litre in each is said to have been recovered from Kailu Mahto (father of the petitioner).

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. No incriminating article or liquor has been recovered from the conscious physical possession of the petitioner. He submits that so far the allegation regarding recovery of Mahuwa Wine, it is specific against Kailu Mahto and nothing including Desi Kata has been recovered from the possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 29.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail, and 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 court below where the case is pending in connection with Nowkothi P.S. Case No. 70 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(Anjani Kumar Sharan, J)

GAURAV S./-

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