

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15242 of 2021

Arising Out of PS. Case No.-547 Year-2019 Thana- GARKHA District- Saran

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BHULA MAHTO Son of Bashishth Mahto @ Vashishth Mahto Resident of
Village- Narikhurd, Police Station- Tisiouta, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mrs. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioner and

learned APP for the State through virtual Court proceedings.

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 a case registered for the
offence punishable under Section 25 (1-b)a, 26 & 35 of the
Arms Act.

While the informant was on patrolling duty along
with the police force, he received telephonic information that
four criminals were fleeing away after looting the C.S.P.
Paharpur, Garkha and on this information the informant along



with other police officials proceeded for P.O. and after reaching there they saw that the public was assaulting a person then police got the apprehended person in their possession and on query the apprehended person disclosed his name as Bhula Mahto (Petitioner), he also disclosed the name of his associates who succeeded to flee away. Upon search one loaded country made pistol, one live cartridge and one motorcycle is said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession, rather the same are planted by the police to falsely implicate the petitioner. It is further submitted that the same set of occurrence, Garkha P.S. Case No.546 of 2019 under Section 392 IPC was lodged for committing loot, in which the petitioner has been granted bail by a coordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent and has been languishing in custody since 06.09.2019.

Learned APP for the State opposed the bail



petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 Court below where the case is pending/successor Court in connection with Garkha P.S. Case No.547 of 2019.

(Anjani Kumar Sharan, J)

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