

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19884 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- KARJAIN District- Supaul

ABHISHEK MEHTA SON OF DINESH KUMAR MEHTA RESIDENT OF
VILLAGE- PADUM NAGAR, POLICE STATION- KARJAIN, DISTRICT-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Karjain P.S.
Case No.76/2020 registered for the offence punishable under
Sections 25(1-b)a, 26, 35 of the Arms Act.

Prosecution case is based upon the confession of the
petitioner in which he stated that fire arm used in Karjain P.S. 75
of 2020, has been sold to co-accused Sanjay Kumar Mehta with
the help of other two co-accused. On the disclosure of the same,
a fire arm has been recovered and seized from the possession of
the said co-accused Sanjay Kumar Mehta, who also, accepted
that he has purchased the recovered fire arm from the petitioner.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case. It is crystal clear that nothing has been recovered from the possession of the petitioner nor the petitioner has been apprehended in this case rather the he has been implicated in this case on the basis of his confession made in Karjain P.S. Case No.75 of 2020. The only allegation against him is that he has sold the arms to other accused persons. Charge sheet has been submitted. The petitioner has three criminal antecedent and has been languishing in custody since 20.08.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, 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 Judicial Magistrate, Birpur, Supaul, in connection with Karjain P.S. Case No.76/2020 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.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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