

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31065 of 2021**

Arising Out of PS. Case No.-539 Year-2020 Thana- AGAMKUAN District- Patna

ANAND KUMAR @ ANAND MAHTO Son of Prahlad Mahto @ Prahlad Mehta Resident of Mohalla - Nakhash machhuatoli, P.S. Malsalami District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      17-12-2021      Heard the parties through video conferencing.

Heard Mr. Rudra Deo, learned counsel appearing on behalf of the petitioner and Sri Umeshanand Pandit, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner, who is in custody since 15.09.2020, seeks bail in connection with Spl. Case No. 178 of 2020 (Spl. Case No. 121 of 2020) arising out Agamkuan P.S. Case No. 539 of 2020, for the offence punishable under Section 399, 400, 402, 414 and 120(B) of the Indian Penal Code, Section 25(1-b)a, 26, 35 of the Arms Act and Section 8, 20(b)II(A)(B) of the N.D.P.S. Act.

The prosecution case, in brief, is that in course of



patrolling duty, the informant and other Police personnel received secret information regarding assembling of miscreants at petrol pump, New bypass near Choti Pahari for the purpose of loot. The informant and other Police personnel reached there, on seeing the Police personnel, some persons started fleeing, but, on chase, five persons were arrested. The apprehended persons disclosed the name of Anand Mahto (Petitioner) as their associate, who managed to escape from there. Thereafter, on search, 1 Kg 100 gm, Ganja along with loaded Katta was recovered from the possession of co-accused Karan Kumar, 1 kg Ganja and one loaded katta was recovered from the possession of co-accused Vikash Kumar, 1 Kg 200 gram Ganja and deposit slip of Union Bank of Rs. 1600/- was recovered from the possession of co-accused Manish Kumar and 900 gram Ganja was recovered from the possession of Prabhakar Kumar.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner. He further submits that the name of petitioner surfaced in the confessional statement of co-accused Karan Kumar and others, who were apprehended on the place of occurrence. He further submits that there is land dispute between family members of the petitioner and accused Karan



Kumar due to that reason, the petitioner has falsely been implicated in this case. He further submits that petitioner was arrested on 15.09.2020 in connection with Ramkrishna Puri P.S. Case No. 235 of 2020, thereafter, he has been remanded in this case only on suspicion as such he deserves to be released on bail.

Learned A.P.P. for the State opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner and on being satisfied that there is no other criminal case is pending against the petitioner, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-IV, Patna in connection with Spl. Case No. 178 of 2020 (Spl. Case No. 121 of 2020) arising out Agamkuan P.S. Case No. 539 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

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