

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2118 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

CHANDAN MAHTO Son of Rajendra Mahto, Resident of Village- Ratanpur,
P.S.- Town (Ratanpur), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimudding, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Begusarai Town P.S. Case No. 191 of 2020 registered for the offences punishable under Sections 353/307/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alongwith other home guards were on duty at the Nagar Nigam, Begusarai where process for toilet tender was going on. It is alleged that when the informant heard the sound of quarrel he went there but



all of a sudden a homeguard jawan received fire arm injury on his thigh. The police tried to catch the culprits but they succeeded in fleeing away. The police recovered four empty cartridges and two live cartridges from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is submitted that there is no specific allegation of firing against the petitioner. Learned counsel submits that the petitioner has got no criminal antecedent and he is in custody since 23.03.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that the petitioner has been named in the F.I.R. on mere suspicion, there is no specific allegation of firing against him, the allegations have been made in general and omnibus kind against 10 named accused persons. One of the co-accused Rajiv Singh @ Rajeev Singh has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. 24536 of 2020, the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with the present case since 23rd



March, 2020, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 191 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

