

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36343 of 2020

Arising Out of PS. Case No.-145 Year-2020 Thana- RIGA District- Sitamarhi

INDAL MAHTO SON OF YOGENDRA MAHTO R/O VILLAGE - RIGA,
TOLE RAMNAGAR, P.S. - RIGA, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr Satyendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Riga Police Station (for
brevity, *PS*) Case No 145 of 2020 instituted for the offence
punishable under Sections 399, 402 of Indian Penal Code and
Sections 25 (1-b) a, 26/35 of Arms Act.

Certain persons had allegedly assembled and were in
intoxicated condition. They started fleeing away on seeing the
police party. It is in these circumstances that the petitioner has
been arrested and is in custody since 02.06.2020.

Learned counsel for the petitioner submits that the
alleged recovery of country made pistol and cartridge is false.
The same has been planted and the petitioner has been made an
accused in view of his criminal antecedents, although he is on
bail in all the earlier cases pending against him, as per
disclosure made in paragraph 3 of the petition.



Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Sitamarhi in Riga PS Case No 145 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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