

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39163 of 2020

Arising Out of PS. Case No.-344 Year-2019 Thana- KARJA District- Muzaffarpur

AMAR KUMAR MAHTO @ AMAR SAXENA SON OF LATE RAJENDRA
MAHTO RESIDENT OF VILLAGE- PAKRI, POLICE STATION- KARJA,
DISTRICT- MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the stamp reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Dinesh Singh, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Karja P.S. Case No. 344 of 2019 registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant while was on patrolling duty arrested co-accused Shumbam Kumar and recovered one country made pistol and a cartridge and the Shambhu Kumar disclosed the name of the petitioner that the recovered articles belongs to the petitioner.

Learned counsel submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has been made accused in this case on the basis of statement of



apprehended accused and except that there is no material against the petitioner. The petitioner is in judicial custody since 06.03.2020

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

Having regard to the facts and circumstances of the case wherein it is submitted that the recovery of arms is not from the possession of this petitioner rather he has been involved in this case on the confession of the apprehended accused who said that the said arm belongs to the petitioner, save and except that statement of the apprehended accused there is no other material against the petitioner, petitioner has remained in jail since 06.03.2020 and in the two cases against him as stated in paragraph '3', learned counsel submits on query made by this Court that the petitioner is on bail in both the cases, so far as the present case is concerned, investigation against him is complete and there is no submission on behalf of the State that his release 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 bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Hemant Kumar, Judicial Magistrate-1st Class, District - Muzaffarpur in connection with Karja P.S. Case No. 344 of 2019 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 while accepting the bail bonds, the learned court below shall satisfy itself that the petitioner is on bail in the two cases as has been claimed before this Court.

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.

The 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'.

