

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1346 of 2021**

Arising Out of PS. Case No.-217 Year-2020 Thana- BANIAPUR District- Saran

Rajesh Mahto @ Khan @ Khan Mahto, S/o Ramashish Mahto, R/o Village-
Amaw, P.S.- Baniapur, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bishwajeet Singh, Advocate
For the State	:	Smt. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 21-05-2021 This matter has been taken up today for consideration
through video conferencing in view of resurgence of COVID-19
Pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Baniapur
P.S. Case No.217 of 2020 instituted for the offence punishable
under Sections 25(1-b)a, 26, 35 of the Arms Act.

Three persons are alleged to have started fleeing away
on seeing the police party and later they have been apprehended



by the police and arms and ammunition have been recovered. From the petitioner, there is alleged recovery of one country-made pistol.

It is submitted by the petitioner's counsel that after arrest of the petitioner in this case, he has also been implicated in another case. Substance of the submission is that prior to his accusation in this case, there was no criminal antecedents of the petitioner and his implication in Baniapur P.S. Case No.209 of 2020 is subsequent to the instant case. Petitioner denies and disputes the recovery. The petitioner is said to be in custody since 14.07.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Baniapur P.S. Case No.217 of 2020, subject to the following conditions:

- (i) That one of the bailors of the petitioner 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 bonds will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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