

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5878 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- DANDARI District- Begusarai

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DEVA NAND THAKUR @ DEVANAND MAHTO SON OF RAMA
UNIRAN MAHTO RESIDENT OF VILLAGE - BISANPUR DIH TOLA,
P.S. - DANDARI, DISTRICT - BEGUSARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arjun Prasad, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Dandari Police Station
(for brevity, *PS*) Case No 48 of 2020 instituted for the offence
punishable under Sections 25 (1-B)aa/26 and later on added
with Section 25 (1-AA) of Arms Act.

Since 18.04.2020, the petitioner is in custody on
alleged recovery of a country made rifle along with a live
cartridge.

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent. Recovery is not in
accordance with law and it is a case of false implication.

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 Additional Chief Judicial Magistrate V, Begusarai in Dandari PS Case No 48 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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