

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3427 of 2022**

Arising Out of PS. Case No.-174 Year-2020 Thana- BARGAINIA District- Sitamarhi

PRAKASH KUMAR @ PAWAN MAHTO Son of Jagarnath Mahto Resident
of Village - Sinduriya, P.S. - Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 09-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 174 of 2020 for the offence punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that one country
made pistol and one live cartridge were recovered from the
possession of the petitioner near pillar no. 344/5. Petitioner was
apprehended by Special Patrolling Party on the report of



Assistant Command, 20th Battalion, SSB, Sitamarhi.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 26.09.2020 and considering the nature of accusation, the petitioner be released on bail.

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

Without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in connection with Bairgania P.S. Case No. 174 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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