

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20867 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- KALYANPUR District- East Champaran

DHIRAJ MAHTO S/o Bhagya Narayan Mahto Resident of Village- Dhani
Chhapra, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 139 of 2021 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Sections 25(1)(b)A, 26, 35 of the Arms Act.

As per prosecution case, the informant submitted
written report before Officer in charge of Kalyanpur police
station alleging therein that on 11.06.2021 during the course of
patrolling, he received secret information that three unknown
persons were standing at Kesariya Road and they were planning
to commit some occurrence. Thereafter police reached there and



seeing the police force three persons started fleeing away after leaving the motorcycle but on chase two persons were apprehended and petitioner is one of the apprehended person. On search, one country made loaded pistol, one live cartridge and mobile were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 12.06.2021 and bears criminal antecedent of one case. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 139 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

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

(Alok Kumar Pandey, J)

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