

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19739 of 2022

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

RAM KUMAR MAHTO @ RAMU MAHTO SON OF BIRENDRA
MAHTO R/O VILLAGE- DHEKAHA SATARGHAT, P.S.- KESARIYA,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-06-2022 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 and 35 of the Arms Act.

As per prosecution case, during the course of patrolling the informant having got secret information that three unknown miscreants were standing near motorcycle and planning to commit occurrence at Chakia Kesariya Road reached there and after seeing the police three miscreants started



fleeing away but on chase two miscreants were apprehended who disclosed their name as Dhiraj Mahto and Sandip Kumar Raut. As per seizure list, one country made pistol, two live cartridges and one mobile have been recovered from possession of co-accused Dhiraj Mahto. The police also seized one motorcycle from the place of occurrence. The name of present petitioner has been disclosed by the apprehended co-accused Dhiraj Mahto and Sandeep Kumar Raut as fleeing away person.

Learned counsel for the petitioner submits that petitioner is in jail custody since 22.06.2021 and he was arrested in Kalyanpur P.S. Case No. 127 of 2021 and remanded in the present case. Nothing was recovered from possession of the petitioner. Petitioner bears criminal history of two cases in which he is on bail in Govindganj P.S. Case No. 267 of 2017. He further submits that petitioner bears no criminal history of Arms Act.

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.

(Alok Kumar Pandey, J)

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