

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21671 of 2022**

Arising Out of PS. Case No.-81 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

1. KISHOR MAHTO Son of Kapildev Mahto Resident of Village - Bansipur, Chai Tola, P.S. - Mednichouki, District - Lakhisarai.
2. Jitendra Kumar Son of Mangal Bind Resident of Village - Bansgarh, Bind Toli, P.S. - Mednichouki, District - Lakhisarai.
3. Shivchandra Kumar Son of Karu Bind Resident of Village - Bansgarh, Bind Toli, P.S. - Mednichouki, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar  
For the Opposite Party/s : Mr.Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      14-06-2022                      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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Piri Bazar P.S. Case No. 81 of 2021 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a 26, 35 of the Arms Act.

As per prosecution case, the informant received secret information that some of the miscreants are about to commit some occurrence. On the basis of said information, the



informant along with other police officials reached the pointed place and seeing the police party, the miscreants started fleeing but police caught the miscreants including the petitioners. On search, one country made loaded pistol was recovered from possession of petitioner no. 1. It is further alleged that one country made loaded pistol was recovered from petitioner no. 2 and two live cartridges were recovered from possession of petitioner no. 3.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case due to ulterior motive of police. No independent person was made witness of seizure list. Petitioners have been remanded in this case on 22.07.2021 and since then they are in custody. Petitioners bear criminal antecedent of three cases. 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 petitioners.

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 petitioners above named be released on bail, **after framing of charge**, on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Lakhisarai in connection with Piri Bazar P.S. Case No. 81 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) Petitioners 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 petitioners tamper 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)**

shahzad/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

