

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37430 of 2021**

Arising Out of PS. Case No.-360 Year-2020 Thana- BARAUNI District- Begusarai

Pankaj Mahto @ Pani, S/O Nageshwar Mahto @ Nago, R/O Simariya Ghat,
Bind Toli, P.S-Chakiya Barauni, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Jai Narain Thakur, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Barauni P.S. Case No. 360 of 2020 registered for the offences punishable under Sections 307, 353/34 of the Indian Penal Code and Section 25(1-b) a, 26, 27 and 35 of the Arms Act. The petitioner is in custody since 12.10.2020.

As per the prosecution story, one Rakesh Kumar lodged an F.I.R. stating therein that on 19.09.2020 at around 4.00 A.M. he received a secret information that some persons



were having arms and about to commit the offence then a police team was formed and raided the said place and on seeing the police party they fired on the police and one person was apprehended on the spot and recovery as per seizure list was effected.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Learned counsel submits that the petitioner has not been identified on the spot by any independent person. The petitioner has been implicated in this case merely on the statement of the apprehended accused. Apart from this case, the petitioner is accused in two other cases out of which in one case he is on bail.

Mr. Jai Narain Thakur, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case showing that the petitioner was not identified on the spot by any independent person or means and save and except that his name is said to have been taken by the apprehended accused, there is no other material against him, there is no recovery from his house and further that apart from this case the petitioner is



an accused in two other cases and out of those cases, he is on bail in one case, so far as the present case is concerned, he is in custody since 12.10.2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Smt. Neha Kumari Bhalotia, learned Judicial Magistrate 1st Class, Begusarai in connection with Barauni P.S. Case No. 360 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

