

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42571 of 2021

Arising Out of PS. Case No.-341 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

BHOLA KUMAR @ BHOLA MAHTO Son of - Ram Padarath Mahto
Resident of village - Ward No. 17, Penhas,P.S. - Nagar (Lohia Nagar), District
- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 01.06.2021, seeks
regular bail in connection with Nagar P.S. Case No. 341 of 2021
registered for offences punishable under Sections 25(1-B)a and
26 (2) of the Arms Act.

Prosecution case, in brief, is that three accused
persons including the petitioner were planning to commit crime
and when police reached there, they started fleeing but after
some chase they got apprehended. Upon search, one country-



made pistol and a live cartridge were recovered from the possession of one Nitish Kumar Tanti.

Learned counsel appearing on behalf of the petitioner submits that no fire-arm or live cartridge was recovered from the possession of the petitioner. However, the same has been recovered from one co-accused namely, Nitish Kumar Tanti and hence, no case is made out against the petitioner under Section 25(1-B)a and 26 (2) of the Arms Act. He further submits that petitioner has clean antecedent and he is in custody since 01.06.2021.

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

Considering the facts and circumstances of the case, the petitioner having no criminal antecedent as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Nagar P.S. Case No. 341 of 2021 subject to the following conditions:



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

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

(iii) 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.

(Purnendu Singh, J)

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