

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49666 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- BEERPUR District- Begusarai

ANIL KUMAR MAHTON @ ANIL MAHTON S/o Siyaram Mahton
Resident of Village- Jagdhar (Parbanda), P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Birpur P.S.
Case No. 169/ 2020 registered for the offences punishable
under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, four country made pistols and
four live cartridges have been recovered from Goat Farm of the
petitioner.

Learned counsel for the petitioner submits that the



present FIR has been instituted on the basis of disclosure made by the accused persons of Barauni (Garhara O.P.) P.S. Case No. 468/ 2020 and on that basis police apprehended the petitioner. He further submits that as per seizure list, four country made pistols and four live cartridges have been recovered from the Goat Farm of the petitioner. He further submits that in fact, nothing has been recovered from the Goat Farm of the petitioner rather the police has planted the same, so, in the seizure list recovery of firearms has been shown from the Goat Farm of the petitioner. Petitioner is in custody since 20.03.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that petitioner carries eight criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Begusarai in connection with Birpur P.S. Case No. 169/ 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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