

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61232 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- CHANDAN District- Banka

Mahendra Mahto S/o Budhan Mahto R/o village- Dumarkola, P.S.- Rikhiya,
District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 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 Chandan P.S.
Case No. 123 of 2021 registered for the offences punishable
under Sections 420, 467, 468, 471 of the Indian Penal Code and
Section 25(1-b)a, 26, 35 of Arms Act.

According to prosecution case, on the basis of self
statement of one Ravi Shankar Kumar, S.I. of police, alleging
therein that during the course of returning office, the informant
saw a cash van and a security guard (petitioner) of SIS
Company, standing in front of the SBI ATM, situated at



Chandan Bazar. It is further alleged that on search, the accused-petitioner was found in possession of a single barrel gun and 6 alive cartridges. On demand, the accused-petitioner produced fake arms license.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner was working in SIS Company. He further submits that the fire arms as well as license used by the petitioner was provided by one Krishna Mandal and Krishna Mandal is also co-accused in the present case. He further submits that the petitioner has no knowledge with regard to the said license of the Gun issuing in the name of this petitioner is false. The petitioner is in custody since 07.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No. 123 of 2021, 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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