

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53537 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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PANDAV MAHTON Son of Late Jagdish Mahton @ Jagdish Rai Resident of
Village - Bagaha, Ward No.- 24, P.S. - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 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 petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Muffasil P.S. Case No. 228 of 2022 registered for the offences

punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, one country made pistol

loaded with one live cartridge in its magazine was recovered

from right side of waist of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 07.05.2022. Petitioner bears no

criminal antecedent. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has been falsely implicated in the present case. Learned counsel for the petitioner submits that on similar allegation co-accused Kundan Kumar @ Nepali Mahton has already been granted bail by the co-ordinate bench of this Court vide Cr. Misc. No. 54707 of 2022 and the case of present petitioner stands on similar footing. Learned counsel for the petitioner further submits that the petitioner is also entitled for similar treatment.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, on similar allegation co-accused has already been granted bail by co-ordinate bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Magistrate, Begusarai in connection with Muffasil P.S. Case No. 228 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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