

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54707 of 2022

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

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KUNDAN KUMAR @ NEPALI MAHTON @ NEPALI MAHTO SON OF
LATE AWADHESH MAHTO Resident of Village- Bagha, Ward No.- 29,
P.S.- Town, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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

The petitioner is in judicial custody in connection
with Muffasil P.S. Case No.228 of 2022 instituted under Section
25(1-b),a,26,35 of the Arms Act.

As per the FIR, the police upon information
intercepted three persons on a motorcycle coming from
Begusarai. They tried to escape but were apprehended, one of
them was the petitioner herein and upon search, amongst other
from this petitioner a countrymade pistol and two loaded
cartridges were recovered. As they failed to provide any



document, seizure list prepared and they were taken into custody.

Learned counsel for the petitioner submits that he has been implicated in this case only because of his criminal antecedents and for that he is in custody since 07.05.2022 (as stated in para-9 of the bail application).

Considering the aforesaid fact that he is in custody since 07.05.2022, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions taking into account that he has number of criminal cases under his belt.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Muffasil P.S. Case No.228 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall leave his district (Begusarai) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /
Ajay

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