

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4534 of 2023

Arising Out of PS. Case No.-170 Year-2021 Thana- KANTI District- Muzaffarpur

Mahesh Mallik @ Mahesh Malli Son Of Sone Lal Malli Resident Of Village-
Manoratha, Chapra Manorath, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kanti P.S. Case No. 170 of 2021 registered under sections 399, 400 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

Prosecution case relates to recovery of one country made pistol, Honda motorcycle without number plate and one master key from the possession of co-accused persons. Further, there is recovery of 3.25 grams of charas like substance from one co-accused, namely, Sanjeev Kumar. The apprehended co-accused persons disclosed the name of the



petitioner who fled from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to local politics. The name of the petitioner came into light in this case on the basis of confessional statement of apprehended co-accused persons before the police. It is further submitted that neither the petitioner was arrested on spot nor anything incriminating article has been recovered from his conscious possession rather the recovery of charas like substance and other articles has been made from other co-accused persons. He has no concern either with the alleged recovery or with this offence. He is languishing in judicial custody since 21.12.2021. Similarly situated other co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide order dated 05.05.2022 in Cr. Misc. No. 65140 of 2021 and order dated 11.07.2022 in Cr. Misc. No. 46814 of 2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kanti P.S. Case No. 170 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

shubham/-

U		T	
---	--	---	--

