

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31568 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- LALGANJ District- Vaishali

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Ram Nath Mahto, Son of Ram Prawesh Mahto @ Ramashish Mahto, R/O-
Vill- Pakri Ismailpur, P.S.- Sadar Muzaffarpur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Mukesh Kumar Jha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Lalganj P.S. Case No. 26 of 2022 registered for the offences punishable under Sections 25(1-b)a, 36 and 35 of the Arms Act.

As per the prosecution case, it is alleged that in course of patrolling, the petitioner was apprehended by the police and on search, one loaded country made pistol was recovered from his possession.



Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the possession of the petitioner, however, only on account of the past criminal antecedent, his name has been implicated in this case. He next submits that in connection with the present case, he is in custody since 28.01.2022 and now the investigation of the crime is complete and charge-sheet has been submitted. So far the criminal cases are concerned, out of six cases, the petitioner is on bail in five cases.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender carrying six criminal antecedents.

Regard being had to the submissions made on behalf of the parties and considering the period of custody of more than one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 26 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as



follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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