

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42940 of 2023

Arising Out of PS. Case No.-662 Year-2022 Thana- PHULWARISHARIF District- Patna

DEEPAK MAHTO @ DEEPAK KUMAR S/O LATE DARIKSHAN
MAHTO R/O VILLAGE- TAMTAM PARAV, UTTARI SANGAT, PS.
PHULWARISHARIF, DISTT. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-08-2023 Heard learned counsel for the parties concerned.

2. Petitioner seeks regular bail in connection with Phulwarisharif P.S. Case No. 662 of 2022 dated 11.6.2022 registered for the offence punishable under Section 420 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Section 3/4 of Bangal Gambling Act.

3. This is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court vide order dated 23.12.2022 passed in Cr. Misc. 49154 of 2022 with liberty to renew his prayer for grant of regular bail after six months if the trial does not register substantial progress.

4. As per the prosecution case, one country made



unloaded pistol has been recovered from possession of the petitioner.

5. Learned counsel for the petitioner submits that taking into consideration the criminal antecedent of the petitioner the bail application of the petitioner was refused earlier with liberty to the petitioner to renew his prayer for bail after six months if the trial does not register substantial progress. He further submits that the petitioner is in custody since 11.6.2022 i.e. for more than one year.

6. This Court vide order dated 12.07.2023 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned ACJM XIV, Patna, dated 29.7.2023 is on record and from perusal of the same, it appears that cognizance upon the memo of charge has been taken on 21.01.2023 but none of the witnesses has been examined and the trial has not yet commenced.

7. Having heard learned counsel for the parties and taking into consideration the period of custody of the petitioner and tardy progress of the trial, I am inclined to grant regular bail to the petitioner.

8. Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/-



(Twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM XIV cum Sub-Judge XIV, Patna Sadar, in connection with Phulwarisharif P.S. Case No. 662 of 2022 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

S.Ali/-

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

