

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42521 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- BARAUNI District- Begusarai

SHRAVAN MAHTO @ KAIDIYA Son of Bharat Mahto @ Bharat Nishad
Resident of village - Simariyaghat Bind Toli, P.S. - Barauni, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47069 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- BARAUNI District- Begusarai

RUPESH KUMAR @ TITAH S/O SHANKAR MAHTO @ SHANKAR
MAHATO Resident of village- Simariya Ghat Lawki Bind Toli, P.S.- Barauni
(Chakiya O.P), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 338 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- BARAUNI District- Begusarai

JOGI MAHTO @ CHHOTU @ MAMU Son of Raj Kumar Mahto Resident
of Village- Simariya Ghat Labli Bindtoli, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42521 of 2022)

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.

For the Opposite Party/s : Mr.J itendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47069 of 2022)

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 338 of 2023)

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioners and the learned A.P.Ps. for the State.

The petitioners seek bail in a case registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of three country made pistols along three live cartridges from the possession of the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that one loaded country made pistol is said to have been recovered from the possession of petitioner, namely, Shravan Mahto @ Kaidiya and one country made pistol along with one live cartridge has been recovered from the possession of petitioner, namely, Jogi Mahto @ Chhotu @ Mamu and similarly one loaded country made pistol has been recovered from the possession of the petitioner, namely, Rupesh Kumar @ Titahi. He further submits that there is non-compliance of



Section 100 of the Cr.P.C. and nor the seizure list is supported by any independent witnesses. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. He further submits that similarly situated accused person, namely, Raja Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 20.10.2022 passed in Cr. Misc. No. 39664 of 2022. The petitioners are rotting in judicial custody since 12.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Shravan Mahta @ Kaidiy carries four more cases other than the present one, petitioner, namely, Jogi Mahto @ Chhotu @ Mamu also bears four cases other than the present one and the petitioner, namely, Rupesh Kumar @ Titahi carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barauni P.S. Case No. 29 of 2022 with the



following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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