

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50353 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- CHAUTHAM District- Khagaria

Mukesh Kumar Mahto @ Mukesh Singh @ Mukesh Mahto Son Of Bilo Singh @ Bilo Mahto Resident Of Village- Sonbarsha Ghat Mushahari, Ps- Chautham, Dist- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50818 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- CHAUTHAM District- Khagaria

Rakesh Kumar Son Of Sri Umesh Sah Resident Of Village- Shivganj, Ward No. 1, Ps- Muffasil, Dist-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50353 of 2023)

For the Petitioner/s : Dr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 50818 of 2023)

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 24.02.2023 and 21.02.2023 in connection with Chautham P.S. Case No. 53 of 2023, F.I.R. dated 20.02.2023 for the offences punishable under Sections 25(1)a, 26(2) & 35 of the Arms Act.



3. According to prosecution case, the informant received a secret information that a mini gun factory was being run in the house of the petitioner Mukesh Singh.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating articles have been recovered from the possession of the petitioners rather the recovery has been made from the house of co-accused Mukesh Kumar.

5. Learned counsel for the petitioners further submits that the house in question does not belong to the petitioner Mukesh Kumar son of Bilo Singh @ Bilo Mahto whereas the same belongs to another Mukesh Kumar whose father's name is Umesh Sah and hence both are not the same. He further submits that the petitioners have no concern at all with the alleged house in question. He further submits that similarly situated, co-accused, namely, Md. Ezaz has been granted bail by this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 51882 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 24.02.2023 and



21.02.2023 respectively.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria in connection with Chautham P.S. Case No.53 of 2023, subject to 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 cancelled 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.

3. 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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