

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68387 of 2023

Arising Out of PS. Case No.-318 Year-2023 Thana- DUMRAO District- Buxar

SONU MAHATO @ SONU MAHTO S/O DIVAKAR MAHTO @
DIVAKAR SINGH R/O VILLAGE- PRATAP SAGAR, P.S- DUMRAON,
DISTT.- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dumraon (Naya Bhaojpur O.P.) P.S. Case No. 318 of 2023
registered on 27.07.2023 lodged under Sections 399/402 of the
I.P.C. and under Section 25(1-b)a/26/25(b)/35 of the Arms Act.

3. As per the prosecution case, on secret information,
a raid was conducted due to which six named accused persons
including the petitioner have been apprehended on search being
made. One loaded country made pistol and live cartridges have
been recovered from the possession of the petitioner.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He has falsely been implicated



in this case. Counsel further submits that one co-accused, Virat Singh from whose possession also pistol and one live cartridges have been recovered and having two criminal antecedent have been granted bail by Co-ordinate Bench of this Court passed in Cr. Misc.No. 63131 of 2023. Counsel for the petitioner submits that petitioner is in custody since 27.07.2023 having two criminal case pending against him, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. With a view to maintain parity, this Court has no option other than to grant bail to the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Dumraon (Naya Bhaojpur O.P.) P.S. Case No. 318 of 2023 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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