

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70878 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- KURSAILA District- Katihar

Naresh Mahto, Son Of Late Jagdish Mahto, Resident Of Village -
Gandhigram (GANDHI Ghar) Bind Toli, P.S. - Kursela, District -KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kursela P.S. Case No.138/2023, lodged on 24.06.2023 under
Sections 25(I-B)a/26 of the Arms Act.

3. As per the prosecution case, recover of arms have
been made from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. No arms
have been recovered from the conscious physical possession of
the petitioner which is essential ingredient in the Arms Act. The
petitioner is accused in two more criminal cases and due to this
reason, he has been dragged in the present case. The petitioner is
in custody since 25.06.2023.



5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is accused in two more criminal cases.

6. In the present facts and circumstances of this case and the submissions made above, particularly in view of the fact that no recovery has been made from the conscious possession of the petitioner, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar, in connection with Kursela P.S. Case No. 138/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(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.

(Dr. Anshuman, J)

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