

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1695 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- NTPC District- Patna

Vijay Mahto S/o Arvind Mahto R/o Village-Railley Bind Toli, P.S.- N.T.P.C.,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Manoj Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with N.T.P.C. P.S. Case No. 70 of 2022 registered for
the offences punishable under Sections 341, 323, 307/34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the
Arms Act.

The prosecution case, in brief, is that the police
having come to know about the on going firing between the
accused and the informant of N.T.P.C. P.S. Case No. 69 of 2022,
reached at the place of occurrence and apprehended the
petitioner and others and from there one country made pistol
and a live cartridge were recovered in front of the house of one
Sarban Mahto.

Learned counsel for the petitioner submits that from



the FIR, it is evident that nothing has been recovered from the person or possession of the petitioner. However, only on account of the fact that the petitioner is named in five other criminal cases, he has been implicated in this case. So far the alleged recovery of weapon is concerned, the same has been recovered in front of the house of Sarban Mahto, who has already been allowed the privilege of bail by a learned Co-ordinate Bench of this Court in Criminal Miscellaneous No. 58164 of 2022 vide order dated 24.03.2023. He next submits that the petitioner is in custody since 12.07.2022, and now the charge-sheet has been submitted.

Learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material has been recovered from the possession of the petitioner and the co-accused person having similar allegation has been enlarged on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, Patna in connection with N.T.P.C. P.S. Case No. 70 of



2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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