

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8647 of 2024

Arising Out of PS. Case No.-355 Year-2018 Thana- BIHAR District- Nalanda

CHHOTU MAHTO Son of Late Upendra Mahto Resident of Mohalla-Garhpar, Police Station-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-02-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bihar P.S. Case no. 355 of 2018 registered under sections 399 and 402 of the Indian Penal Code and section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that on information having been received about the accused persons having gathered and planning to give effect to an occurrence a raid was conducted and three accused persons were caught and fire arms etc. recovered. Some of the accused managed to escape. The accused who were caught disclosed the petitioner to be amongst the persons who had escaped.

4. Learned counsel for the petitioner submits that



neither the petitioner was arrested at the spot nor any incriminating article was recovered from his possession. The only material against him is the statement of co-accused made before police. He is in custody since 9.10.2022 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession, his being in custody for more than 1 year 4 months since 9.10.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bihar P.S. Case no. 355 of 2018, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif.

(Partha Sarthy, J)

Harsh/-

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