

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16268 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- BATHNAHA District- Sitamarhi

Ram Janam Mahto S/o Jangali Mahto R/o vill - Barhathwa @ Wartawa, P.S. -
Malangwa, Distt. - Malangwa Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bathnaha P.S. case No. 406 of 2023 instituted for the offences under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that on secret information police party reached the place of occurrence and apprehended four persons including this petitioner. On search, various arms and ammunition were recovered from co-accused persons whereas one knife was recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunition. He further submitted that only knife has been recovered from the possession of the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.09.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. Other co-accused has been granted bail by this Court *vide* order dated 19-04-2024, passed in Cr. Misc. No. 27637 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Bathnaha P.S. case No. 406 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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