

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23704 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- NTPC District- Patna

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Ganga Mahto @ Gango Mahto, Male, aged about 32 years, son of Harihar Mahto @ Aadhi Mahto, resident of village- Raily Pachmahla, Bind Toli, P.S. - N.T.P.C., District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with NTPC PS Case No.154 of 2023 dated 09.12.2023, instituted for the offence punishable under Sections 25(1-b)a, 26 of the Arms Act.

3. The allegation is of recovery of one country-made pistol and five live cartridges from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner was going to market and saw lot of people near Panchmahala Bind Toli. The police asked him to stop and thereafter he has been falsely implicated in this case due to village politics. It is submitted that there is no



independent witness of the seizure list. Both the witnesses are police personnel. Lastly, it has been submitted that the petitioner has two criminal antecedents and is in custody since 10.12.2023.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM, 1st, Barh, Patna, in NTPC PS Case No.154 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that



case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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