

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28808 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- WARISNAGAR District- Samastipur

Umesh Mahto Son of Prabhu Mahto Resident of Village- Paroriya, Ward No. 11, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sadanand Roy

For the Opposite Party/s : Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Warisnagar P.S. Case No. 42 of 2024 instituted for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, there has been recovery of one loaded country-made pistol from the possession of the petitioner.

4. Learned counsel for the petitioners submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged arms and cartridges, which were seized by the police. Only on the basis of suspicion, petitioner



has been implicated in the present case by the police. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. It is next submitted by learned counsel for the petitioner that the seized motorcycle belongs to the petitioner. The petitioner is in custody since 11.02.2024 and he has no criminal antecedent.

5. Learned APP 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 as well as 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 Warisnagar P.S. Case No. 42 of 2024.

(Rudra Prakash Mishra, J)

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