

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37107 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- KAMTAUL District- Darbhanga

Pradeep Mahto @ Pradip Mahto Son Of Late Jagdish Mahto Resident Of
Village - Shelibeli, P.S. - Basopatti, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kamtaul P.S. Case No. 66 of 2024 instituted for the offences
under Sections 399, 402, 413, 414 of the Indian Penal Code and
Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., police, on the basis of secret
information that some miscreants are planning to commit
dacoity, raided the place of occurrence and apprehended accused
persons. The apprehended persons further disclosed the
presence of other miscreants at other locations and based on
their disclosure other accused persons were also apprehended
including this petitioner. On search, various arms and



ammunitions were recovered from accused persons.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that the name of this petitioner transpired in this case only on the basis of disclosure made by the co-accused Nandan Kumar. Learned counsel further submitted that one mobile phone has been recovered from the conscious possession of the petitioner and no any incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the recovered mobile phone belongs to the petitioner. It is further alleged that one DJ set was recovered from the shop of this petitioner but learned counsel for the petitioner in defence submitted that this petitioner is the licensed tent dealer and, as such, the DJ set in question belongs to the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.03.2024 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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 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 Kamtaul P.S. Case No. 66 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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