

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44199 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- Roshna District- Katihar

Subhash Kumar Mahaldar @ Subhash Mahaldar Son Of Dipu @ Late Dipak Mahaldar Village- Roshna, P.S.- Roshna, Distt.- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.
For the State : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard learned advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Roshna P.S. Case No. 1 of 2024 registered for the offence punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on a disclosure made by some accused persons, the police conducted a raid and apprehended co-accused Mukesh Kumar Singh, who disclosed before the police that he kept the arms in his house. On such disclosure, the police raided the house of Co-accused Mukesh Kumar Singh, however, noticing the police party one person allegedly succeeded in fleeing away on his motorcycle after throwing away a bag. On search, two



katta, one Revolver and 29 cartridges were recovered.

4. Learned advocate for the petitioner contended that in fact the name of the petitioner implicated in this case only on account of he being elder brother of the co-accused Mukesh Kumar Singh. Save and except relationship, there is nothing suggesting the complicity of the petitioner. Moreover, the identification made by the *Chaukidar* of the village appears to be doubtful. It is also the contention of the petitioner that the petitioner was neither apprehended by the police nor any incriminating material has been recovered from the person/possession of the petitioner. Moreover, the petitioner was arrested after a month of institution of the F.I.R. from his house. The petitioner is in judicial custody since 20.03.2024 and has no criminal antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material/weapons has been recovered from the physical possession of the petitioner, coupled with the fact that petitioner has absolutely a man of clean antecedent and charge-sheet has already been submitted, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Katihar in connection with Roshna P.S. Case No. 01 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will co-operate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.

(Harish Kumar, J)

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