

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53296 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Chandan Mahto @ Chandan Kumar Son of Late Amirchand Singh @
Amirchand Mahto Resident of Village - Pakaria Bar, Police Station -
Udwanthnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard the learned Senior Advocate for the petitioner
and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Udwanthnagar P.S. Case No. 05 of 2024,
registered for the offence punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.

3. The police on a confidential information raided the
poultry farm, which was running in the name of the wife of the
petitioner and apprehended four persons. However, the
petitioner succeeded in fleeing away. In course of search, one
country made pistol and ten live cartridges were recovered from
the house.

4. Learned Senior Advocate adverting to the



averments made in the FIR contended that even as per the allegation, it is evident that the poultry farm was running in the name of the wife of the petitioner and the alleged recovery has not been made from the conscious possession of the petitioner nor the petitioner was apprehended from the place of occurrence. Save and except the disclosure made by the police officials and the apprehended persons, there is no material suggesting the complicity of the petitioner in the crime. The false implication of the petitioner is on account of his long list of criminal antecedent, as has been mentioned in paragraph no. 3 of the bail application. It is lastly contended that, be that as it may, now the petitioner has been incarcerated since 26.04.2024, and the crime, in question, is triable by the Magistrate.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that fifteen criminal antecedent of the petitioner speaks loud about the active involvement of the petitioner in heinous crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted. Moreover, the petitioner was not apprehended with the arms and ammunitions, in question, coupled with the



fact that the crime, in question, is triable by the Magistrate and mere antecedent of the petitioner cannot be the sole ground to keep him behind the custody without there being any cogent material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 05 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 cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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