

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58620 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Braj Kishore Mahto @ Braj Kishore Kumar Son of Sri Jay Narayan Mahto
R/O Vill.- Samsa, P.S.- Naokothi, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lalmani Sharma, Adv,
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Naokothi P. S. Case No. 97 of 2024 dated 12-06-2024 instituted
for the offence punishable under Sections 25(1-b)a, 26 and 35 of
the Arms Act.

3. The allegation is of recovery of one loaded country
made pistol and a live cartridge from the house of co-accused,
namely, Prince Kumar @ Silabia. It is further alleged that two
persons came out of a room from the house of the petitioner and
managed to run away. The person present there disclosed the
name of the persons who had managed to escape as Prince
Kumar @ Silabia and Braj Kishore Mahto (petitioner).



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that neither the petitioner was caught at the place of occurrence nor any incriminating article recovered from his possession. The country made pistol and a live cartridge were seized from the house of the Prince Kumar @ Silabia. It is next submitted that no independent witness disclosed the name of the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 learned CJM, Begusarai, in Naokothi P. S. Case No. 97 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (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 allowed.

(Khatim Reza, J)

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