

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63962 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- ROSERA District- Samastipur

Nepal Mahto @ Amit Kumar, S/o Bhagalu Mahto, R/o Mohalla-Dhab
Mohalla, P.S.- Rosera, Dist.- Samastipur

.. ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

Appearance :

For the Petitioner/s :	Mr. Shishir Kumar Shishir, Advocate
	Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Rosera P.S. Case No.279 of 2023 registered for the offence punishable under Section 25(1-B)a and 26 of the Arms Act.

3. The accused/petitioner is not named in the FIR and is in custody since 11.10.2023.

4. Allegation against the petitioner is to have in possession of one country-made pistol along with other co-accused persons.

5. It is submitted by learned counsel that name of petitioner surfaced with present case on the basis of



confessional statement of co-accused Raushan Sah, which is sufficient to suggest that recovery of alleged country-made pistol was not made from conscious physical possession of this petitioner. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid facts and circumstances and by taking note of fact as recovery of alleged country-made pistol *prima facie* not appears to be made from conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.10.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction



of the learned A.C.J.M.-1st, Rosera, Samastipur/concerned
court in connection with Rosera P.S. Case No.279 of 2023,
subject to the conditions as laid down under Section 437(3)
of the CrPC/under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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