

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66850 of 2024

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

Mukesh Kr. Singh @ Mukesh Kumar Singh, S/o- Late Dipu @ Late Dipak Mahaldar, R/o Village- Roshna, P. S- Roshna, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned counsel 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. 01 of 2024 registered for the offences 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 the petitioner, who confessed before the police that he kept the arms in his house. On such disclosure, the police raided the house of the petitioner, however, noticing the police party, one person, namely, Subhash Kumar Mahaldar @ Subhash Mahaldar 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 counsel for the petitioner contended that save and except the disclosure made by the petitioner before the police, there is no cogent material that the arms and ammunition were kept by the petitioner. The narratives made in the FIR clearly suggest that co-accused Subhash Kumar Mahaldar @ Subhash Mahaldar had thrown the arms and ammunition in course of fleeing from the clutches of the police. Be that as it may, co-accused Subhash Kumar Mahaldar @ Subhash Mahaldar has been accorded the privilege of bail vide order dated 03.07.2024 passed in Cr. Misc. No. 44199 of 2024. The petitioner has been incarcerated since 06.06.2024 and now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that it is a case of confession leading to recovery of arms and ammunition. That apart, the petitioner bears one criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the investigation



of the crime is complete and the charge-sheet has been submitted, coupled with the fact that the co-accused person having more or less identical allegation, has been allowed the privilege of bail, let the petitioner, named above, 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 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 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.

(Harish Kumar, J)

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