

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69057 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- BATHNAHA District- Sitamarhi

Mahesh Singh Son of Late Kishori Singh Resident of Village - Ramnagra P.S.
- Riga District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Bathnaha P.S. Case No.
150 of 2024, instituted for the offences punishable under
Section 393 of the Indian Penal Code and Section 25(1-B)(a),
26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with one co-accused person were trying to snatch
something from a motorcycle rider. In the meantime, police
party reached at the place of occurrence and apprehended the
accused persons. On search, one loaded country made pistol
along with one live cartridge have been recovered from the
possession of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of arms. The petitioner is in custody since 21.04.2024 and has got five criminal antecedents. There is no compliance of Section 100 of Cr.P.C. Other co-accused has been granted bail by this Court *vide* order dated 03-12-2024, passed in Cr. Misc. No. 81537 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Bathnaha P.S. Case No. 150 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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