

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69783 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- ALOULI District- Khagaria

Bihari Mahto @ Netahva Son of Uday Mahto Resident of Village - Simaria
Ghat, Lakkivindtoli, P.S. - Barauni, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Alauli P.S. Case No. 148 of 2024, registered for the offences under Sections 25(1B)A, 26 and 35 of the Arms Act.

3. As per the prosecution case, during search of vehicle, the petitioner tried to flee away on seeing the police party. He was chased and apprehended and from the possession of the petitioner, recovery of country made *katta* loaded with one live cartridge of .315 bore and 8 live cartridges of .315 bore and a mobile phone were made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated



in this case. In fact nothing incriminating has been recovered from person or possession of the petitioner and in the high handedness of the police recovery has been shown from this petitioner. There is no independent witness to search and seizure rather the witnesses are police personnel and there is violation of Section 100 of the Code of Criminal Procedure. The petitioner is in custody since 17.04.2024 and he is having antecedents of four cases. Charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner appears to be habitual offender and is having antecedent of four cases of serious nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet against the petitioner and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M., Khagaria/concerned court, in connection with Alauli P.S. Case No. 148 of 2024, subject to the condition laid down under Section 437(3) of the code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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