

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72108 of 2024

Arising Out of PS. Case No.-147 Year-2018 Thana- SUGAULI District- East Champaran

Ajay Mahato @ Ajay Kumar Mahato S/o Late Manai Mahato Resident of
Village- Fulwariya, P.O and P.S- Sugauli, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in
connection with Sugauli P.S. Case No. 147 of 2018,
registered for the offences punishable under
Sections 25(1-a)b, 26/35 of the Arms Act.

3. The case of the prosecution, in brief, is
that on the basis of secret information received by
the Police, a raid was conducted at the place of
occurrence and two co-accused persons, namely,
Md. Farman and Bipin Mahto were arrested. On
search, a countrymade loaded pistol was recovered
from the possession of Md. Farman and one
cartridge, two duplicate motorcycle keys and screw



driver were recovered from the co-accused person, namely, Bipin Mahto.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other criminal cases but he is on bail in the said three cases. It is next submitted that the petitioner is languishing in custody since 19.07.2024. Lastly, the learned counsel for the petitioner submits that neither any arms have been recovered from the petitioner nor he has been arrested from the spot and in fact the person from whom recovery of one countrymade pistol has been made, has already been granted the privilege of regular bail by this Court vide order dated 01.04.2019 passed in Criminal Misc. No. 16682 of 2019.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that neither the petitioner has been arrested from the spot nor any recovery has been made from his possession and the person, whose confessional statement has led to implication of the petitioner in the present case, has already been granted the privilege of regular bail, hence I deem it fit and proper to admit the petitioner herein to the privilege of regular bail.

7. Accordingly, the petitioner, above named, is directed to 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 Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 147 of 2018.

(Mohit Kumar Shah, J)

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