

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75260 of 2024**

Arising Out of PS. Case No.-89 Year-2024 Thana- RASULPUR District- Saran

Ranjan Mahto @ Ranjan Kumar Mahto, S/O Sambhu Mahto, R/o Village  
Ashani, Police Station- Rasulpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      29-11-2024                      Heard Mr. Avinash Kumar Pandey, learned Advocate  
for the petitioner and learned APP for the State.

2. At the outset, learned Advocate for the petitioner submits at the Bar that in the present case two supplementary affidavits have been filed on behalf of the petitioner.

3. It is urged before this Court that due to inadvertence, the name of the father of the petitioner has been mentioned as Sambhu Mahto, however, he is also known as Shambhunath Mahto.

4. Let the name of the father of the petitioner be read as Shambhunath Mahto @ Sambhu Mahto.

5. It is also urged before this Court that the petitioner also bears one more criminal antecedent, which could not be mentioned in para. 3 of the bail petition. The petitioner is



accused in Rasulpur P.S. Case No. 110 of 2018, as also in Rasulpur P.S. Case No. 81 of 2024.

6. The petitioner seeks regular bail, who is in custody in connection with Rasulpur P.S. Case No. 89 of 2024 registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code and Sections 25(1-b)a/26 of the Arms Act.

7. The police in course of patrolling found three persons in suspicious circumstances. However, noticing the police party, they tried to flee away by their motorcycle, but subsequently apprehended. From the possession of the petitioner, one country made loaded pistol and a mobile phone along with cash of rupees six thousand were recovered.

8. There is total denial of the recovery of arms and any incriminating material from the possession of the petitioner.

9. Learned Advocate for the petitioner contended that the alleged recovery has been made from a public road, but surprisingly there is no independent witness to the search and seizure and, as such, in defiance of Section 100 of the Cr.P.C. The co-accused person, who was also apprehended by the police, namely, Dhiraj Kumar Yadav, from whose possession one motorcycle and mobile were recovered, has been granted the privilege of bail by this Court in Cr. Misc. No. 70206 of



2024 vide order dated 03.10.2024. It is also the contention of the petitioner that so far mobile phone and the cash amount is concerned, that belonged to the petitioner. Now the petitioner has been incarcerated since 01.06.2024. The investigation of the crime is complete and charge-sheet has been submitted.

10. On the other hand, learned APP for the State vehemently opposes the bail application and submits that recovery of the arms and other incriminating material clearly suggests the involvement of the petitioner, apart from his two criminal antecedents.

11. Regard being had to the submissions made on behalf of the parties and considering the infirmities in search and seizure, apart from the fact that the case of the petitioner is based on parity; moreover the crime in question is triable by the Magistrate, let the petitioner, named above, 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 learned Judicial Magistrate, 1<sup>st</sup> Class, Saran at Chapra in connection with Rasulpur P.S. Case No. 89 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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