

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79100 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Baidyanath Mahto, Son Of Late Sitaram Mahto, Resident Of Village - Pakahi,
P.S. - Bibhutipur, District – Samastipur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with Ms. Vaishnavi Singh, Advocates
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 25(1-B)a, 25(1-A),
26(2), 29 and 35 of the Arms Act.

3. As per prosecution case, on receiving a secret
information that one person concealed huge quantity of illegal
weapon in his house, thereafter the police personnel reached at
that place. One person apprehended, who is said to be the wife
of this petitioner and there has been recovery of one loaded
carbine, some cartridges, two loaded country-made pistol and
other materials from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner has not apprehended on spot. Petitioner is a handicapped and his leg is defective and he cannot run and there has been operation of the spinal cord and leg of the petitioner are fixed by iron rod. No incriminating articles have been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. He further submitted that the father of the petitioner was killed and petitioner lodged Bibhutipur P.S. Case No. 60 of 2020 dated 13.03.2020 under Sections 302/34 of the IPC and Section 27 of the Arms Act. Moreover, the wife of the petitioner, who apprehended on spot has already been granted bail by Court below vide order dated 18.03.2023 passed in B.P. No. 289 of 2023. He is languishing in judicial custody since 28.06.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction of
the learned Sub-Divisional Judicial Magistrate, Rosera,
Sitamarhi in connection with Bibhutipur P.S. Case No. 20 of
2023.

(Sunil Kumar Panwar, J)

Arish/-

U		T	
---	--	---	--

