

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9293 of 2025

Arising Out of PS. Case No.-163 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Upendra Mahto, Male, aged about 34 years, Son of Faudari Mahto, Resident
of Village- Shreepur, Ward No 3, PS- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Cheriya Bariyarpur P.S. Case No. 163 of 2024 dated 06.09.2024
registered for the offences punishable under Sections 25(1-B)
(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, total 65 live cartridges
were recovered which were kept on the chair and the petitioner
and the co-accused Rajesh Mahto were standing near the said
chair which is situated near the straw house of Shankar Mahto.
It is further alleged that two mobile phones were also recovered
from the possession of the petitioner and the co-accused Rajesh
Mahto.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that recovery has been made from an abandoned straw house of Shankar Mahto but police has not made him an accused in the present case. The petitioner is not the owner of the straw house in question from where recovery has been made. He has no concern with the alleged offence. It is submitted that the other co-accused person, Rajesh Mahto, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 89476 of 2024 under order dated 08.01.2025, annexed as Annexure- P/2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned A.C.J.M.,
Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S.
Case No. 163 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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