

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40411 of 2025

Arising Out of PS. Case No.-582 Year-2024 Thana- KANTI District- Muzaffarpur

Sunil Mahto S/o Rajendra Mahto R/o Village- Sahbajpur, P.S.I- Ahiyapur,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-08-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Kanti P.S. Case No. 582 of 2024 registered for the offences under Sections 109, 324(4), 132, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and 25(1-b)a, 26, 27, 35 of the Arms Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 05.12.2024.

4. Allegation against the petitioner is to open fire upon the police party along with other co-accused persons and, as such, apprehended with



one country made pistol along with two live cartridges, where two co-accused persons fled away after the alleged occurrence.

5. It is submitted by learned counsel appearing on behalf of the petitioner that in fact firing was opened by the police party without any provocation and resultantly the bullet hit to the leg of the petitioner and to save themselves, the present false case was lodged showing possession over country made pistol and two live cartridges.

6. It is submitted that one of the reason for implication of this petitioner is his criminal antecedents as he found involved in four criminal cases as per his knowledge, whereas due to police atrocities petitioner shown accused in total of ten cases, till date, where he not even remanded in six cases, as claimed by the police.

7. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.



8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as the allegation of firing is not specific against this petitioner, coupled with the fact that petitioner remains in custody since 05.12.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st (West), Muzaffarpur, in connection with Kanti P.S. Case No. 582 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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