

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47615 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- ROSERA District- Samastipur

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Suman Mahto @ Suman Kumar @ Suman Saurabh S/o Jageshwar Mahto @
Jageshwar Prasad R/o Vill- Khadiyahi, P.S.- Bibhutipur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Rosera P.S Case No. 24 of 2025 registered for the offences
punishable under Sections 310(4), 310(5), 317(5), 109 132 of
the Bharatiya Nyaya Sanhita, 2023 and 25(1-B)(a), 26, 27, 35 of
the Arms Act and 8, 20(b)(ii) of the NDPS Act, 1985.

3. As per allegation in the FIR, one country made
pistol, three live cartridges and 14 packet of *Ganja* (200 grams)
has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that the name of the petitioner has been figured from



the confessional statement of the co-accused namely Arvind Kumar Sahni who was apprehended from the spot. Moreover, the country made pistol, three live cartridges and 200 grams of Ganja has been recovered from the apprehended accused person namely Arvind Kumar Sahni and not from the petitioner. It is also submitted that petitioner is in judicial custody since 24.01.2025 having nine criminal antecedent as mentioned in paragraph no. 3 of the bail petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR and impugned order dated 21.01.2025, it appears that the name of the petitioner has been figured from the confessional statement of the co-accused namely Arvind Kumar Sahni and nothing has been recovered from the conscious possession of the petitioner rather it has been recovered from the apprehended accused person namely Arvind Kumar Sahni and considering the materials available on record and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner 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 Principal District and Sessions Judge, Samastipur in connection



with Rosera P.S. Case No. 24 of 2025 subject to condition that petitioner shall physically appear before the concerned police station and mark his attendance before the concerned police station on each and every Sunday till disposal of the case.

7. If the petitioner does not comply with the aforesaid condition, then the informant of this case is at liberty to file petition regarding cancellation of the bail of the petitioner before the concerned Trial Court.

(Ramesh Chand Malviya, J)

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