

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25166 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -BANGAON District- SAHARSA

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Niksan Mahto @ Niksan Kumar S/o Ganesh Mahto Resident of Village
Murli Basantpur, P.S. Bangaon, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar-1, Adv

For the Opposite Party/s : Mr. Anusaiya Jaiswal(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for the offences punishable under Sections-392 and 412 of the Indian Penal Code and the fact that the petitioner, who was not named in the First Information Report, came under the zone of suspicion on rumour of some villagers followed by the confessional statement of Vimal Paswan and Malhoo Paswan the two co-accused and that nothing directly involve the petitioner to be found against the petitioner by the police, this Court keeping in view that the petitioner has also got no criminal antecedent would be inclined to grant the privilege of anticipatory bail to



the petitioner specially when aforesaid two other co-accused persons while naming the petitioner to be a member of gang had stated that the two other co-accused persons, who could run away were only Rahul Sharma and Badal Paswan and not the petitioner when they namely Vimal Paswan and Malhoo Paswan were arrested by police.

Thus if the petitioner namely, **Niksan Mahto**, surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **C.J.M. Saharsa** in connection with **Bangaon P.S. Case No. 106 of 2014 (G.R. No. 3333 of 2014)** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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