

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29985 of 2017

Arising Out of PS.Case No. -31 Year- 2016 Thana -BARAUNI RAIL P.S. District- BEGUSARAI

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1. VIJAY MAHTON @ VIJAY MAHTO Son of Mahendra Mahto,
Resident of Village- Simariya Ghat Bind Toli, P.S.- Barauni (O.P.
Chakiya), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Smt Sangeeta Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 09.02.2017 in
connection with Barauni Rail P.S. Case No. 31/2016 for offences
punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was travelling from Mourya Train on 28.02.2015, 2-
3 unknown persons came and after catching his jacket pulled him
down from the train where 3-4 persons were present and at gun
point snatched his mobile, cash of Rs. 3500/-, golden ring and
silver chain.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and it is on the confessional statement of one Kare Mahto @ Navin Mahto @ Navin that his name surfaced, who has since been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 44017 of 2017 on 13.01.2017. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the stolen mobile was recovered from the possession of the petitioner and that the petitioner does not have a clean antecedent because as many as three cases are pending against him of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Barauni Rail P.S. Case No. 31/2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his



relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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