

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51088 of 2017

Arising Out of PS.Case No. -1958 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. AMAR NATH MAHTO @ AMAR NATH MATHO @ RAM NATH MAHTO son of Rabbi Mahto resident of village Duttha, P.S. Rosera, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nandan Priyadarshi (Advocate , Patna High Court) son of Shyam Narayan Mahto resident of Mahendru, Patna, Bakseriya Tola, P.S. Sultanganj, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-11-2017 Heard the parties.

The petitioner seeks regular bail in connection with Complaint Case No.1958 (C) of 2016 registered for offences punishable under Sections 392, 34 and 120(b) of the Indian Penal Code.

Allegation against the petitioner is that he called upon the informant to get the sale-deed executed and when he was on the way, the petitioner assaulted him and snatched money from him.

Submission of the learned counsel for the petitioner is that in spite of the occurrence took place in the light in the middle of the road, no local witness has been examined and instead of going



before the police, complaint case has been lodged. It has also been submitted that the dispute with the petitioner is from the petitioner as he is broker and living on the land. It has also been submitted that the petitioner is in custody for about four months. It is further submitted that the informant is in the habit of filing such type of cases.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that in the broad day light, the money was looted from the petitioner and further as he had not gone before the police rather lodged a complaint case as well as the petitioner has criminal antecedent also under Section 3023 of the IPC.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Smt. Smita Raj, Patna in connection with Complaint Case No.1958 (C) of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper



with the evidence.

- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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