

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21436 of 2017

Arising Out of PS.Case No. -30 Year- 2008 Thana -GURUA District- GAYA

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1. SHAMBHU MAHTO @ ROSHAN KUMAR @ DOCTOR @ SAGAR,
son of Ram Brikshh Mahto, Resident of Village- Dangi Nagar, Police
Station- Gurua, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 09.08.2017

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by this court on the ground that criminal antecedent of the petitioner was suppressed in bail petition but this second bail petition has been filed on behalf of the petitioner on the ground that petitioner is in jail custody since 30.6.2016 without any legal evidence.

Learned counsel for the petitioner submits that, no doubt, it is a serious case of bank dacoity but neither petitioner is named in the first information report nor has been put on test identification parade and apart from this, nothing has been recovered from his conscious possession. He further submits that the name of the petitioner sprang in this case in the confessional statement of co-accused and except the aforesaid facts as well as criminal antecedent as stated in para 3 of the



petition, there is nothing against the petitioner. He further submits that so far as criminal antecedent of the petitioner is concerned, earlier petitioner was made accused in ten cases out of them in five cases, petitioner has already been acquitted whereas in three cases, he has been granted bail. He further submits that several co-accused, having more or less similar allegation, have already been granted bail by different benches of this court.

In view of the aforesaid submissions as well as the facts and circumstances of the case, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Sherghati, Gaya in Gurua P.S. Case no. 30/2008.

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(Hemant Kumar Srivastava,J)

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