

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75164 of 2018

Arising Out of PS. Case No.-271 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Billu @ Surendra Mahto @ Surendra Chauhan, son of late Sudarshan Mahto,
resident of village, Khairwa, P.S. Bhagwanpur Hat, District, Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur,
Mr. Nilesh Kumar, Advocates
For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in Gopalganj Town P.S. Case
No.271 of 2018 registered for the offence punishable under
Sections 395 and 397 of the Indian Penal Code.

Informant who is a doctor has alleged that on
07.06.2018 when he was sleeping with his family members in
his house, at 12.45 a.m. seven unidentified criminals entered
into the house and overpowered them on the strength of arm
and took away his licensed revolver and cartridges and also
looted valuable articles, cash and ornaments and, thereafter, they
fled away.

It has been submitted on behalf of the petitioner that
F.I.R. is against unknown. The name of the petitioner has



surfaced in this case on the basis of confessional statement made by one co-accused, Ankesh Kumar @ Michele and except the said confessional statement, there is no any other incriminating material against the petitioner. The informant has claimed that he can identify the miscreants but they have never been subjected to TIP parade. One similarly placed co-accused Mantu Kumar whose name was also disclosed by co-accused was granted bail by the court below itself. Petitioner has no criminal antecedent and he is in custody since 22.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No.271 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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