

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12615 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- MANSI RAIL P.S. District- Khagaria

SUNIL KUMAR MAHTO @ SUSHIL KUMAR MAHTO Son of Amresh
Mahto Resident of Village - Rudauli, P.S.- Bachhwara, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Mansi
Rail P.S. Case No. 21 of 2018 for offences punishable under
Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he and his wife were travelling in train, after waking
up, he found the ladies bag missing, which contained ornaments
ATM Card, Aadhar Card, Owner Book of motorcycle, Driving
Licence, PAN Card and other articles as well as mobile and Rs.
22,000/- cash.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and has been
falsely implicated in the aforesaid case. He submits that he was



in custody since 02.09.2018 in connection with Barauni Rail P.S. Case No. 140 of 2018 and the present FIR has been lodged on 20.09.2018 for an occurrence dated 17.09.2018 when the petitioner was in custody. He further submits that his name surfaced on the confessional statement of co-accused Manisha Kumari before the police, which has no evidentiary value in the eye of law. It is submitted that Section 100 of the Cr.P.C. has not been complied with in its true letter and spirit, petitioner is languishing in judicial custody in the present case since 07.12.2018 and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is pending against him.

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 Addl. Chief Judicial Magistrate, Railway, Khagaria, in connection with Mansi Rail P.S. Case No. 21 of 2018, subject to the following conditions :



1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. 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)

Rajesh/-

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