

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70552 of 2018

Arising Out of PS. Case No.-771 Year-2018 Thana- SAHAYAK NAGAR District- Katihar

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Guddu @ Mukesh Kumar Mahto S/o Ravindra Mahto, Resident of
Mohalla- Ramsabha Gaushala, P.S.- Katihar Sahayak, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Respondent/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned APP for the
State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420 IPC and Section 7 of the E.C. Act registered in connection with Katihar Sahayak P.S.Case No. 771 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely on the extra judicial confessional statement of Mainuddin, driver the truck to the effect that the fake fertilizer was being carried for delivery to the petitioner. The petitioner is neither the owner of the truck nor in any way concerned with the fake fertilizer and the petitioner cannot appropriately be identified merely on the basis of the nick name Guddu, who has been named by the driver. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned



Chief Judicial Magistrate, Katihar, in connection with P.S. Case No. Katihar Sahayak P.S.Case No. 771 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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