

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26184 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- BIHARIGANJ District- Madhepura

SUSHIL MAHTO, aged about 35 years, Male, Son of Ram Kishun Mahto
Resident of Village-Bihariganj Beldari Tola Ward No.5, P.S-Bihariganj,
District-Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Sanjay Kumar Singh, Adv.
For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
08.01.2019 in connection with Bihariganj P.S. Case No. 278 of
2018 for the offence alleged under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he is an Assistant Godown Manager at Bihariganj and after
collection of Rs.14,14,000/- while he was on the way along with
his nephew for deposit in the bank, three miscreants snatched
the bag containing money on gun point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report and his name surfaced on the confessional statement of
one Kailash Mandal @ Kaila Mandal, who has already been



granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 21363 of 2019, dated 07.05.2019. He, further, submits that no recovery of the alleged money has been made from the possession of the petitioner or from his house, no test identification parade has been done so and charge sheet has already been submitted. The petitioner is languishing in judicial custody since more than four months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and is a habitual offender as nine more cases are pending against him, eight are of similar matters, although the petitioner submits that in all the cases the petitioner is on bail.

Considering the nature of allegations, period of custody and that charge sheet has already been submitted, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bihariganj P.S. Case No. 278 of 2018 to the satisfaction of Sri Abhimanyu Kumar learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura, or the successor Court, subject to the following conditions :



(i) 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.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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)

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