

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.73278 of 2018**

Arising Out of PS. Case No.-93 Year-2016 Thana- JAGDISHPUR District- Bhojpur

Ashok Mahto, S/o Ramdas Mahto @ Ram Das Singh Resident of Village-  
Sikaria, P.S.- Sandesh, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Chandan Kumar Verma

For the Opposite Party/s : Mr. Rana Randhir Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      10-01-2019                      Heard learned counsels for the petitioner and the  
State.

The petitioner is apprehending arrest in a case registered  
for the offence punishable under Section 394 of the IPC.

The prosecution case, as per the written report of Gandhi  
Sah, dated 01.04.2015 submitted to the Station House Officer,  
Jagdishpur Police Station, is to the effect that on the same day at  
7 P.M., the informant was going from his shop, situated at Isadhi  
to his house, situated in Village Hardiya, but on the way, near  
Hardiya petroleum dealership, three accused persons came on a  
motorcycle and dashed and assaulted the informant and also  
snatched a mobile phone and Rs. 1500/- cash from him when a  
mobile phone of one of the co-accused fell down on the spot.  
The informant identified one of the accused persons, namely Jai



Chand Mahto, leading to registration of FIR against him and two other accused persons. Subsequently, co-accused Jai Chand Mahto made exculpatory and inculpatory confession and named two persons, namely co-accused Ajay Mahto and the petitioner, Ashok Mahto. Co-accused Jai Chand Mahto also confessed that his mobile phone fell down on the spot.

It is submitted by learned counsel for the petitioner that on the confession of co-accused, Jai Chand Mahto, name of the petitioner sprang up in the present case. It is further submitted that no recovery has been made from the petitioner and co-accused Umesh Kumar Singh has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 12.09.2017, passed in Cr. Misc. No. 41865 of 2017 whereas co-accused Jai Chand Mahto has been granted regular bail by a co-ordinate Bench of this Court, vide order dated 08.08.2016, passed in Cr. Misc. No. 24246 of 2016. A statement has been made in paragraph no.3 of the petition that subsequent to the present case, the petitioner is involved in other case also.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused and no recovery has



been made from the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 7<sup>th</sup> ACJM-XI, Bhojpur at Arrah in connection with Jagdishpur P.S. Case No. 93 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

