

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63462 of 2019**

Arising Out of PS. Case No.-419 Year-2018 Thana- SHIVSAGAR District-
Rohtas

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CHUNNU MAHTO Son of Dudhnath Mahto Resident of Village - Konar, P.S.
- Shivsagar, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ramchandra Singh, Advocate.

For the Opposite Party: Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 385, 386 of the Indian Penal Code and
Section 25(1-b)A, 26, 35 of the Arms Act registered in connection
with Shivsagar P.S. Case No. 419 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in connection with demand of extortion and fleeing
away from the spot upon the seeing the police. The petitioner
has been implicated merely on the extra judicial confessional
statement of co-accused Prakash Ranjan, except which there is no
objective material to connect the petitioner with the alleged
occurrence. No recovery of any incriminating articles has been
made from the conscious possession of the petitioner. Similarly
situated co-accused Nandlal Pandey and Suman Pandey have
been granted anticipatory bail by this Court in Cr. Misc. No.
16572 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, 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 Sub-Divisional Judicial Magistrate, Sasaram, Rohtas in connection with Shivsagar P.S. Case No. 419 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 cooperate 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) That 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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