

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81231 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- ISHAKCHAK District- Bhagalpur

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RAM NARESH MAHTO @ RAM NARESH MAHTON Son of Late
Kuldeep Mahton Resident of Village- Kanda, P.S.- Kaira, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
17.10.2018 in a case registered for the offence punishable
under Section 379 of the Indian Penal Code.

The prosecution case as per the written report of
Shankar Prasad Sah is to the effect that on 02.09.2018, he went
to his in-laws place through Scorpio vehicle and parked the
vehicle near the house of his father-in-law, but on 04.09.2018,
between 3-4 A.M., it was found that the Scorpio vehicle is
missing, leading to registration of FIR against unknown. The



name of the petitioner sprang up during investigation, on the basis of confessional statement of co-accused.

It is submitted by learned counsel for the petitioner that in fact, there is no recovery from the possession of the petitioner, but only on the basis of suspicion, the petitioner has been roped in the present case and the investigation has already been concluded. The petitioner has been made accused altogether in 9 cases, on the basis of confessional statement. A statement to that effect has been made in paragraph no.3 of the petition. It is further submitted that similarly situated co-accused, namely, Md. Ali @ Md. Raja and Shatrughan Kumar @ Chandan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.06.2019, passed in Criminal Miscellaneous No. 34743 of 2019.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused and he is having serious criminal antecedent.

Considering the fact that there is no recovery from the petitioner, investigation being already concluded and similarly situated co-accused have been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be released 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 14th ACJM, Bhagalpur, in connection with Sadar Eshakchak Bhagalpur P.S. Case No.175 of 2018.

(Dinesh Kumar Singh, J)

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