

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84383 of 2019

Arising out of PS. Case No.-115 Year-2019 Thana- SAHARGHAT District- Madhubani

1. SANJEEV MAHTO Son of Ram Lakhan Mahto @ Ramlakshan Mahto
Resident of Village- Bhougachi, Sahar Tole Goth, P.S.- Saharghat, District-
Madhubani.
2. Baidnath Pandit Son of Ram Babu Pandit Resident of Village- Pihwada,
P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 19-12-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

F.I.R. No. 115 of 2019, dated 23.10.2019, registered at Police

Station Saharghat, G.R. No. 28 of 2019, under Sections 20 and

22 of the NDPS Act.

I have heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State. I have also



perused the relevant record of the case, necessary for adjudication of this petition.

It is seen that the car is not owned by the petitioners. Petitioners also dispute their presence on the spot and also no recovery was made from their possession.

Prima facie also it appears that thus far no case against the petitioners is made out indicating their complicity in the alleged crime.

It is submitted by learned counsel for the petitioners that the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 23.10.2019; no custodial interrogation is required and the petitioners have fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioners' direct involvement in the crime.

Learned Additional Public Prosecutor does not seriously oppose the application.

Thus, this Court is of the considered view that petitioners have made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioners, cannot be ruled out. Also, thus far save and except for naming the



petitioners in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioners in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Madhubani in connection with Saharghat P.S. Case No. 115 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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