

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7729 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Nago @ Nageshwar Mahto @ Nago Mahto, Son of Boama Mahto @ Rajendra Mahto, Resident of Village - Shankarpur, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Arjun Prasad, learned counsel for the petitioner and Mr. Yogendra Kumar, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of regular bail in connection with a case registered for the offences punishable under Sections 399, 402, 414, 224/34 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act.

The prosecution case, as per the self statement of S.I., Dinesh Kumar, Station House Officer, Khodawandpur Police Station, is to the effect that on 07.05.2019 during the course of evening patrolling at 8.00 P.M., the villagers informed



the informant that in front of MRD College two motorcycles have dashed to each other. After having received information, the informant reached at the place of incident and saw two motorcycles there, one of which was without having its registration number. At 9.00 P.M., the informant located some persons roaming in Malmala village in injured condition and they were intercepted. On interrogation, they disclosed their name as Angad Kumar and Balram Jha and they confessed that they were driving the said recovered motorcycle and they were planning to commit robbery at Nawah Chowk, Samastipur but on the way, they met with the accident and on search being made, one country made pistol and two live cartridges were recovered. In confession, co-accused also named the petitioner as one of his associates.

It is submitted by learned counsel for the petitioner that neither the petitioner was apprehended from the spot nor there is any recovery from the possession of the petitioner. The investigation has already been concluded and the petitioner is languishing in custody since 18.11.2019. Though the petitioner is accused in three other cases but he is on bail in those cases.

Learned APP for the State, however, submits that the name of the petitioner sprang up on the confession of co-



accused.

Considering the fact that the investigation has already been concluded and co-accused Satish Sahni @ Chatish Sahni has been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sub-divisional Judicial Magistrate, Manjhaul, District – Begusarai in connection with Khodawandpur P.S. Case No. 84 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Manjhaul, District –



Begusarai in connection with Khodawandpur P.S. Case No. 84
of 2019.

The learned Court below is at liberty to further
extend the period of provisional bail if the lock down is not over
in next three months.

(Dinesh Kumar Singh, J)

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