

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27982 of 2020**

Arising Out of PS. Case No.-341 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

JITENDRA MAHTO Son of Hardev Mahto Resident of Village- Dhanaiya,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sahebganj P.S. Case No.341/2019 registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-B)a, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the statement of the apprehended accused, however he has falsely been implicated in this case only because of his criminal antecedent. Learned counsel submits that nothing incriminating has been recovered from the possession of the



petitioner and he has been arrested on 14.08.2019 and since then he is in jail in connection with the present case.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that his name has transpired in the statement of the apprehended accused, however he has falsely been implicated in this case only because of his criminal antecedent and that nothing incriminating has been recovered from the possession of the petitioner, the petitioner has been arrested on 14.08.2019 and since then he is in jail in connection with the present case, investigation against him is complete and out of four cases against him he has already been granted bail in two cases, there being no submission on behalf of the State that release of the petitioner may result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st (West), Muzaffarpur in connection with Sahebganj P.S. Case No.341/2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to



the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that till conclusion of the trial in the present case the petitioner shall keep on attending the Sahebganj police station within whose jurisdiction he is residing once in every month, his appearance shall be recorded by the officer in-charge of Sahebganj police station. In case the petitioner is required to go outside the jurisdiction of the police station in connection with his employment, he will furnish his complete address and mobile number to the officer in-charge of the police station and shall keep on reporting his place of stay to him. Failure to abide by above conditions will be taken seriously and the officer in-charge of the police station shall bring it to the notice of the learned court below and the learned court below shall cancel the bail bond of the petitioner for the alleged failure of the conditions above.

The petitioner shall cooperate in course of trial and will present himself on each and every date, two consecutive defaults in putting appearance before the trial court without any cogent reason shall lead to cancellation of his bail bond.

And further condition that the court below shall verify the



criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

