

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28632 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- SIKANDRA District- Jamui

=====

Dharo Mahto @ Haro Mahto @ Hari Nandan Mahto, aged about 40 years, Male, S/o- Muneshwar Mahto, Resident of Village- Gahlaur, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate
For the State : Mrs. Asha Devi, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Sikandra P.S. Case No. 80 of 2020 registered for the offences punishable under Sections 395, 386, 147, 149 of the Indian Penal Code.

The prosecution case in short is that on 01.05.2020 at about 11 P.M. that informant gave his written report before the officer-in-charge of Sikandra P.S. that he along with fourty labourers were working in they were working in the cheak construction under forest department in the meantime in the night at about 11 P.M., 5 to 6 miscreants came there making there face and surrounded and taken in their custody and one unknown person disclosed the name of two persons namely Daro Mahto and Sone Lal Yadav and the condition do no open



his name and shown his photograph.

It is further alleged that he identified the alleged persons and may be identified to seen their face.

It is further alleged that they snatched taken away the mobile phone, vehicle and cash of Rs.10,690/- the number of vehicle are mentioned in the alleged F.I.R.

It is further alleged that due to fear on the paint of fire arms by the miscreants, they did not object to taken away the aforesaid mobile and vehicle and threatened to not in formal police or administrator wise they could be killed.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case. He further submits that the alleged occurrence took place on 01.05.2020 and F.I.R. was lodged on 03.05.2020. There is no explanation for such delay. He further submits that during investigation, co-accused namely Sone Lal Yadav has been apprehended by the police and he in which confessional statement before the police, he has been made accused in the present case. He further submits that the petitioner has not been put on T.I. Parade and petitioner is in jail custody since 05.05.2020. He further submits that the petitioner has got no any criminal antecedent.



Learned A.P.P. for the State opposed the bail petition and submits that the petitioner has been made accused on the basis of confessional statement of co-accused and himself.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Jamui in connection with Sikandra P.S. Case No. 80 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

