

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13009 of 2021**

Arising Out of PS. Case No.-370 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

DHANU MAHTO Son of Kishna Mahto @ Krishna Mahto Resident of
Village - Surapur, P.S. - Hussainganj, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Md. Arif, APP

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

2 16-06-2021 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 Siwan Muffasil P.S. Case No. 370 of 2020
registered for the offences punishable under Section 414, 467,
468, 471 of the Indian Penal Code.

As per prosecution story, the informant got secret
information that Sunil Singh who is an accused in Siwan
Muffasil P.S. Case No. 349/2020 was moving at Sudarshan
Chowk, Sri Nagar and on seeing the police party he tried to flee
away but police caught him and he disclosed his name. On



interrogation he stated that on 02.08.2020 accused persons including this petitioner had stolen Bolero vehicle, later on this petitioner was apprehended by police.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the name of the petitioner has transpired on the basis of confessional statement of the co-accused Sunil Kumar Singh and he is in custody since 15.09.2020.

Learned A.P.P. 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 the submission of learned counsel for the petitioner that petitioner has been taken on remand in the present case after his arrest in connection with Siwan Muffasil P.S. Case No. 349/2020 in which the name of the petitioner transpired on the basis of confessional statement of co-accused Sunil Kumar Singh, further submission that there is no recovery of any stolen vehicle from the possession of the petitioner and the co-accused Vikash Kumar Manjhi from whom stolen vehicle was recovered has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 2846/2021, the petitioner has remained in jail in connection with the present case for nine



months, investigation against him is complete however the trial is not likely to be concluded in near future, in the circumstances, this Court directs release of the petitioner above named 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 Sri Prasenjit Singh, learned Judicial Magistrate, Siwan, in connection with Siwan Muffasil P.S. Case No. 370/2020, 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

