

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13339 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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CHANDAN MAHTO S/o Ghanshyam Mahto R/o village- Badhkurba, Ward
No. 13, P.S.- Cheirya Bariyapur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Cheriya
Bariyarpur P.S. Case No. 218 of 2020 registered for the offence
punishable under Section 394 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is
that petitioner in association with other co-accused persons on the
point of pistol assaulted and looted the motorcycle of the informant.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not



committed any offence as alleged in the FIR. He is neither named in the F.I.R. nor was apprehended on the spot. He has not been put on T.I. parade. No incriminating article has been recovered from his conscious physical possession. He submits that only on the self confessional statement of the petitioner, petitioner has been made accused in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has got one criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 29.10.2020.

Learned APP for the State opposed the bail petition and submitted that para 59 of the case diary is the confessional statement of the petitioner and it also shows that the petitioner has criminal antecedent of one more case. Para 83 of the case diary is the supervision note which shows that the case has been found true against the petitioner.

Considering the facts aforesaid and the fact that there is no specific overt act against the petitioner, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Cheriya Bariyarpur P.S. Case No. 218 of 2020 subject to the following conditions:

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the 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 the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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