

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20442 of 2021**

Arising Out of PS. Case No.-300 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

SUNIL MAHTO @ SUNIL KUMAR SON OF PRAYAG MAHTO R/O
VILLAGE- SISAUNI RAJAULI, P.S.- SADAR HAJIPUR, DISTRICT-
VAISHALI-844102.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 24-07-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case
registered for the offence punishable under sections 302, 364,
201, 420, 406 and 120B of the Indian Penal Code.

As per prosecution case, co-accused Avinash Singh @
Alok Singh @ Langra had taken a sum of Rs 60 lacs from the
father of the informant and other villagers for securing job for
them in Railways but failed to provide them with any job in the
Railways and when father of the informant and other villagers
had demanded to refund money, said Avinash Singh @ Alok
Singh @ Langra started making false excuses. It is further



alleged that on 16.05.2020, said co-accused Avinash Singh had called father of the informant and one Raj Kumar Singh to the house of Rajiv Mali and had stated that their money would be given at the said place, where after they had gone to the said place but they did not return back to the house, the informant suspected foul play and started making phone calls on the mobile number of his father and co-accused Raj Kumar Singh but they did not pick up the phone, whereupon informant came to Hajipur and informed the Sadar police station.

It is submitted that from FIR it appears that money has been taken by Avinash Singh who disclosed name of Rajiv Mali. Admittedly, petitioner was nowhere in picture either in mediation or in taking amount nor having any concerned with the said Rajiv Mali or Avinash Singh. Co-accused persons have been granted bail by a coordinate bench of this court vide Cr. Misc. no. 25576/2020. He has been arrested on mere suspicion and there is no eye witness to the occurrence. Petitioner has got clean antecedent and is in jail custody since 04.11.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody and clean antecedent, this bail application is allowed. Let the petitioner be



released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Miss. Shobha, Judicial Magistrate, Ist Class, Vaishali at Hajipur in Hajipur Sadar P.S. Case no. 300/2020 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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