

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21190 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- UJIYARPUR District- Samastipur

MANTOSH KUMAR ROY @ MANTOSH KUMAR SON OF RAM SEVAK
ROY @ RAM SEVAK RAY R/O VILLAGE- MOHANPUR, P.S-
MUFFASIL, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 22-11-2021 Heard Sri Mahendra Pratap, learned counsel

 appearing for the petitioner and Sri Mukeshwar Dayal, learned

 A.P.P. for the State.

The petitioner seeks regular bail in connection
with Ujiyarpur P.S. Case No. 71 of 2020, registered under
Sections 363, 366 and 366A/34 of the Indian Penal Code.

The present matter was heard on 17.11.2021 and
a detailed order was also passed. It has been informed by the
learned counsel appearing on behalf of petitioner that the
petitioner is accused in one another case being Ujiyarpur P.S.
Case No. 66 of 2020 for offence punishable under Sections
363 and 366 Indian Penal Code and the petitioner has already
been released on bail by a co-ordinate Bench of this Court
vide Criminal Miscellaneous No. 25173 of 2020 dated



08.12.2020. Learned counsel appearing on behalf of petitioner prays to release the petitioner on bail.

Learned A.P.P. appearing on behalf of State, however, opposes the prayer for grant of bail to the petitioner and submits that, earlier, the petitioner has also been found involved in similar illegal act for commission of offence punishable under Section 363 and 366 of the I.P.C. as such he is a habitual offender and he should not be released on bail.

Having considered the facts and circumstances of the case though the petitioner involved in a similar nature of offence earlier also has been released on bail in the said case i.e. Ujiyarpur P.S. Case No. 66 of 2020 vide order dated 08.12.2020 passed in Criminal Miscellaneous No. 25173 of 2020 and in view of order dated 17.11.2021, let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Dalsingsarai in connection with Ujiyarpur P.S. Case No. 71 of 2020 subject to the following conditions:

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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

(Purnendu Singh, J)

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