

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30830 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- BEERPUR District- Begusarai

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RATAN KUMAR @ RATAN MAHTO Son of Bishundeo Mahto Resident of
Village- Makhwa, Ward No.7, P.S.- Bhawanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Birpur

P.S. Case No. 103 of 2020 registered for the offence under

Sections 394 of the Indian Penal Code.

According to the prosecution case, on the point of

pistol, the informant money along with his mobile have been

looted away.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R. rather the entire prosecution case is against unknown persons. Merely on the basis of confessional statement of the co-accused, namely, Dharmveer Kumar, the petitioner has been apprehended by the police. Neither anything incriminating has been recovered from the conscious possession of the petitioner nor he has been put on T.I. parade. Moreover, the co-accused, namely, Dharmveer Kumar, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.07.2021 passed in Cr. Misc. No. 20128 of 2021. The petitioner is rotting in judicial custody since 27.01.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-VI, Begusarai in connection with Birpur P.S. Case No. 103 of 2020 with 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.

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.

(Rajesh Kumar Verma, J)

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