

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37098 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- NAUBATPUR District- Patna

Jay Lal Mahato S/o Late Gariban Mahato @ Gariba Mahato Resident of
Village- Amarpura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Naubatpur P.S. Case No. 10 of 2020 instituted for the offences
under Section 392 of the Indian Penal Code read with Section
27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.11.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 05.01.2020 at 4.00
pm, four accused persons having arms in their hands came on
two bikes at Aradhya H.P. Gas Agency situated at Chiraura,



Naubatpur and on the point of pistol looted Rs. 2.5 lakhs from cash counter with other valuable articles including the ornaments and fled away.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and has got 11 criminal antecedents as mentioned in paragraph '3' of the bail application. It is further submitted that petitioner came to be implicated falsely in the present case because of his criminal antecedents and even in the C.C.T.V. footage, which was verified by the I.O., this petitioner was not seen. Further, no incriminating article or stolen money was recovered from the possession of this petitioner and the petitioner till date has not been put T.I. parade.

Shri Syed Mojibur Rahman, learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that petitioner has got criminal antecedents as mentioned in paragraph '3' of the bail application.

Considering the fact that the petitioner till date has not been put on T.I. parade, the petitioner was not seen in the C.C.T.V. footage as stated in paragraph '8' of the bail application, he is in custody since 11.11.2020 and the charge-



sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Danapur in connection with Naubatpur P.S. Case No. 10 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that the petitioner will have to mark his attendance in the concerned police station in between 20th to 25th of every month commencing from January 2022 till the charges are not framed and in the event if the police reports to the learned court below that that petitioner in between the aforesaid dates in any of the month has not marked his attendance till the charges are framed, the learned court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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