

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28756 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- BATHNAHA District- Sitamarhi

RAJESH KUMAR Son of Harichand Mahto @ Harischandra Mahto Resident
of Village - Chakwa, P.S.- Bathnaha, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-02-2021

Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bathnaha PS case no. 204 of 2019 registered for the offences punishable under Section 392 of Indian Penal Code.

The allegation is regarding unknown miscreants having intercepted the informant, whereafter they are alleged to have snatched a sum of Rs. 1,55,000/- from the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case but he has been granted bail by a co-ordinate



Bench of this Court vide order dated 31.01.2020, passed in Cr. Misc. no. 83704 of 2019. It is further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed upon him for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that a bare perusal of paragraphs no. 54 and 55 of the case diary would show that the witnesses have deposed that the petitioner was found moving around at the alleged place of occurrence on the alleged date and time of occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the name of the petitioner has transpired in the present case merely on the basis of the confessional statement made by the co-accused person before the police, as mentioned in paragraph no. 37 of the case diary, which has got no evidentiary value in the eyes of law, though I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to certain conditions. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six



weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha PS case no. 204 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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