

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50221 of 2021

Arising Out of PS. Case No.-759 Year-2019 Thana- KANTI District- Muzaffarpur

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Amar Saxena @ Amar Kumar Mahto Son of - Late Rajendra Mahto Resident
of Village - Pakri Pakohi, P.S. -Karja, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Kanti P.S.

Case No. 759/2019 vide its G.R. No. 3398/2019 registered for

the offences punishable under Sections 356, & 379 of the Indian

Penal Code.

The prosecution story in brief is that on the basis of

written application of the informant Anand Kumar, Kanti P.S.

Case No. 759/19 has been lodged on 10.10.2019 against un-

known offenders U/s 356 and 379 IPC for the alleged

occurrence of looting of money on 10.10.2019 at 4.30 P.M at



Fatehpur Vishnudutpur. It has been inter-alia alleged that the informant runs customers service centre of State Bank of India. It has been further stated that on the day of occurrence, after running the said centre, at 4:00 PM the informant arrived at the main branch SBI at Fardo Gola to withdraw money and after withdrawing Rs. 2,40,000/- by cheque from the bank at 4.30 PM he proceeded for his home. It has been stated that on the way, he took revenue receipt from Karamchari and proceeded for home when near Mother Tresa Health Care Centre, three youth on black pulsor motorcycle dashed in the vehicle of the informant and made him to fall down and thereafter they snatched his bag containing money withdraw by him, cheque book ad documents of the vehicle etc. it has been also alleged that the offender took away mobile phone of the informant as well.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He has further submitted that petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused nothing has been recovered from the possession of the petitioner. He has further submitted that co-accused namely Udit Jha @ Sona Babu has been granted bail by a co-ordinate Bench of this Hon'ble Court



vide order dated 02.02.2021 in Cr. Misc. No. 36960/2020. That the petitioner is in custody since 25.04.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-II, Muzaffarpur in connection with Kanti P.S. Case No. 759/2019 vide its G.R. No. 3398/2019 subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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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