

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39373 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- BARGAINIA District- Sitamarhi

Sanjay Mahto, Son of Ganesh Mahto, Resident of Village- Nuniya Tola, Ward
No. -15, P.S.- Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr.Ramsevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 01-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bairgania P.S. Case No.136 of 2020 for the offence punishable
under Sections 461 and 379 of the Indian Penal Code.

Four named and 4-5 unnamed persons have allegedly
looted the food grains of the informant's shop. The CCTV
footage has unravelled the incident.

Petitioner's counsel submits that having no criminal
antecedents, the petitioner is in custody since 04.09.2020.
Similarly situated co-accused Indal Mahto has been allowed bail
in Cr.Misc. No.40811 of 2020. The submission is of false
implication as the petitioner has become a victim of
circumstances.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P.S. Case No.136 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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