

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2572 of 2021

Arising Out of PS. Case No.-678 Year-2019 Thana- CHAPRA TOWN District- Saran

=====

KANHAIYA MAHTO @ KANHAIYA PRASAD S/o Late Bhukhal Mahto @
Bhukhal Prasad R/o village- Parsagardh, P.S.- Ekma, District- Saran at
Chapra

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh,
Mr. Ram Binod Singh, Advocates.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-03-2021 Heard Mr. Bindhyachal Singh, learned counsel for

the petitioner and Mr. Yogendra Kumar Singh, Additional Public

Prosecutor for the State through video conferencing.

2. Petitioner seeks regular bail in connection with

Chapra Town PS Case No. 678/2019 registered for the offence

punishable under Sections 394, 307 and 120(B) of the IPC and

Section 27 of the Arms Act.

3. The allegation, as per First Information Report, is

that informant is the partner of Prasad and Sons Petrol Pump

situated near Dakbanglow Road, Chapra, and on 11.11.2019 at

about 12:50 PM, while an employee of the said petrol pump

along with one relative of the informant, namely, Amit Ji,

proceeded on a scooty for depositing the sale proceeds of Rs.



24,37,875/- in cash in the State Bank of India, Main Branch, Chapra, they were accosted by three miscreants riding on Apache Motorcycle who tried to snatch the bag from Amit Ji and upon protest, one of the miscreants fired bullet upon Amit Ji who sustained injury in his abdomen.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of the fact that the motorcycle which was recovered from the place of occurrence is registered in the name of petitioner. Learned counsel further submits that the miscreants, who had committed the offence, were apprehended by the police. Learned counsel next submits that from the confessional statement of the accused persons which is part of the FIR, it would be evident that the name of the petitioner was not disclosed by the accused persons and they have specifically stated that the Apache Motorcycle was handed over to them by one Ranjan Kumar. Learned counsel, referring to the order impugned, submits that the motorcycle in question was sold by the petitioner in favour of said Ranjan Kumar before the date of occurrence i.e., 03.11.2019 and a copy of sale letter was produced before the learned court below.



5. Learned counsel further submits that no role has been assigned to the petitioner in commission of the present offence except that he is a registered owner of the motorcycle in question. Learned counsel also submits that the petitioner is in custody since 1st of February, 2020 i.e., for more than a year.

6. On the other hand, learned counsel for the State submits that petitioner has got criminal antecedents and altogether eight cases are pending against him, upon which, learned counsel for the petitioner submits that in majority of the cases, petitioner has been acquitted and he is on bail in other cases.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the nature of the allegation against the petitioner and he is in custody for more than a year, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

8. Accordingly, let the petitioner, KANHAIYA MAHTO @ KANHAIYA PRASAD 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 Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town PS Case No. 678/2019.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of lockdown and social distancing.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

