

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6088 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- BARH District- Patna

SANJEEV KUMAR @ BHIM MAHTO @ SANTOSH Son of Naresh Mahto
Resident of Village - Dargahi Tola, Lemuabag, Police Station - Pandarak,
District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402 & 414 of the Indian
Penal Code, Section 25 (1-b)a, 26 & 35 of the Arms Act and
under Section 20 & 22 of the N.D.P.S. Act.

Acting on a tip-off, when the informant along with
the police force reached near the mango orchard situated in



village Fatehdihpur, after seeing the police force, the miscreants tried to escape from the place of occurrence but they did not succeed to flee away. They were apprehended. On search, one loaded country made pistol, five cartridges and mobiles are said to have been recovered from the possession of the petitioner and other recoveries were made from the possession of co-accused.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from his conscious physical possession rather the alleged recovery has been plotted by the police to falsely implicate him in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Co-accused, namely, Ashis Kumar @ Golu has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.09.2020 passed in Cr. Misc. No. 25370 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 04.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Barh P.S. Case No.98 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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