

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67681 of 2021

Arising Out of PS. Case No.-179 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

DEEPAK MAHTO @ DEEPAK KUMAR MAHTO Son of Late Shivjee
Mahto Resident of Village- Sanrha, Sandha, P.S.- Chapra Muffasil, District-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

Petitioner seeks bail in connection with Chapra Muffasil P.S. Case No.179/19, registered for the offence punishable u/s 302/34 of the IPC and section 27 of the Arms Act.

Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 02.11.2021 passed in Cr. Misc. No.79969 of 2019 on the ground that the petitioner has suppressed his criminal antecedent.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case with ulterior motive. From perusal of the FIR, it is clear that the specific allegations of firing gun shot is against co-accused Kameshwar Mahto and Shrawan Mahto. Informant is not the eye-witness of the alleged occurrence. On the date of occurrence, petitioner was in judicial custody in relation of Belchi P.S. Case No.92/19, which is clear from the impugned order. The said co-accused Shrawan Mahto has already been enlarged on bail by a co-ordinate Bench of this Court passed in Cr.Misc. No.36822 of 2021 dated 29.09.2021. The petitioner has four criminal antecedents, which is also mentioned in para-3 of this application and has been languishing in custody since 03.06.2019 i.e. for more than two years.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, 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 Chief Judicial Magistrate, Saran, Chapra, in connection with Chapra Muffasil P.S. Case No.179/19, subject to the following conditions:-



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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