

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18453 of 2022

Arising Out of PS. Case No.-347 Year-2019 Thana- BALIYA District- Begusarai

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Amit Kumar @ Ramudgar Mahto Son Of Dinesh Mahto R/O - Ward No.-06,
Bibhutipur, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal,Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in the virtual Court proceeding.

The petitioner seeks bail in a case registered for the offence under Section 395 of IPC.

The FIR of the occurrence of dacoity is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-



accused, namely, Chandan Paswan, who was arrested in Teghra P.S. Case No.366 of 2019 and he disclosed the name of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and similarly situated co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-2 series to the bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is rotting in judicial custody since 04.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Ballia P. S. Case No.347 of 2019, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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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