

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16219 of 2020

Arising Out of PS. Case No.-25 Year-2019 Thana- GORAUL District- Vaishali

=====

MANTU KUMAR Son of Nanda Mahto Resident of Village-Hathsarganj,
P.S-Hazipur Town, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Goraul
P.S. Case No. 25 of 2019 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, on 29.01.2019 three
unknown persons entered into the branch of informant's
company Bharat Finance Inclusion Ltd and looted Rs.
8,44,722/-, four Tabs, three mobile by showing pistols and fled
away leading to registration of FIR against unknown.



Subsequently during investigation, the name of the petitioner sprang up on the basis of his own confessional statement.

Learned counsel for the petitioner submits that petitioner is in custody since 18.06.2019. Petitioner bears criminal antecedent of series of cases as mentioned in Para 3 of the supplementary affidavit and petitioner is on bail in almost all the cases as mentioned in para 3 of the supplementary affidavit. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. No incriminating material has been recovered from the possession of the petitioner. No witness has identified the petitioner at the place of occurrence. Petitioner was not put on TIP. The petitioner is not named in the F.I.R. The petitioner was arrested by police in connection with Sarai P.S. Case No. 142 of 2019 and on the basis of his own confessional statement made in Sarai P.S. Case No. 142 of 2019, the petitioner has been implicated and remanded in the present case. The counsel of petitioner has further submitted that co-accused Sanjay Singh against whom nature of accusation is same has already been granted bail by the co-ordinate bench of this court vide order dated 04.12.2019 in Cr. Misc. No. 72614 of 2019 and the case of the petitioner stands on similar footing.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the name of present petitioner sprang up in para 120 of case diary as mentioned in the impugned order dated 29.01.2020 passed by the learned Court below.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted, nothing has been recovered from the possession of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul P.S. Case No. 25 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-
amit

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

