

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21472 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- SUGAULI District- East Champaran

RAMASHISH MAHTO Son of Dev Mahto Resident of Village - Belwa Rai,
P.S. - Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 385, 387, 307, 506 of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation on the alleged date and time of
occurrence, informant received a call on phone through unknown
mobile number by which he was threatened and demanded Rs
10,000/- by caller and later on, on the same day two persons came on
motorcycle and fired at the door of the informant and thereafter they
fled away. According to the informant, the accused used mobile no.
9523465849 while committing the alleged occurrence.

The main submissions advanced by Sri Sunil Kumar no.



III learned counsel appearing for the petitioner are that as per FIR accused persons are alleged to have fired at the house of the informant but at the place of occurrence no empty cartridge was found or seized, admittedly, petitioner was owner of the alleged mobile phone along with **sim** which is alleged to be used in the commission of alleged occurrence but petitioner had lost his mobile phone containing his sim card and on account of rustic person and labourer he did not give any information nor took any action with regard to missing of mobile phone. Further submission is that petitioner has got no criminal antecedent and has been languishing in jail since 15.1.2022 and investigation has been completed in respect of the petitioner.

Learned APP Sri Aditya Narain Singh I has opposed the prayer for bail.

In view of above submissions and considering petitioner's custody period and his clean antecedent ends of justice demands lenient approach of this court. Let the petitioner 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 the Chief Judicial Magistrate, Motihari, East Champaran in Sugauli P.S Case No. 102 of 2021 on 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 below and shall remain physically present as directed by the Court below



and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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