

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37971 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- DHANKUND District- Banka

1. Raja Kumar Mahto @ Raja Kumar @ Raju Mahto S/O Jaykrit Mahto R/O Village- Harinagar, P.S.- Goradih, District- Bhagalpur
2. Pawan Mahto S/O Bashakhi Mahto R/O Village- Simariya Tola, P.S.- Dhankund, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-01-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Dhankund P.S. Case No. 23 of 2021 registered for the offences punishable under Sections 392, 411 of the Indian Penal Code. Petitioner no. 1 is in custody since 22.02.2021 and petitioner no. 2 is in custody since 19.03.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that the allegations against the petitioners is that they have committed



loot of Rs.3000/- from the informant on the point of gun.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It is submitted that the informant has not identified the petitioners. There is no recovery of any incriminating article from the petitioners. The petitioners have no criminal antecedents.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these two petitioners are said to have been identified by the co-villagers and not by the informant, till date no test identification parade has been conducted and the recovery of mere sum of Rs.1580/- has been shown from the possession of the petitioner no. 1, both the petitioners are having clean antecedent as stated in paragraph '3' and they have remained in custody for over 10 months, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Dhankund P.S. Case No. 23 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

