

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30325 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- BAKHTIARPUR District- Saharsa

MANOHAR MEHTA @ MANOHAR KUMAR @ BOSS S/O SURENDRA
MEHTA @ SULENDRA MEHTA R/o village- Telwa Bharna, Ward No. 9,
P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 28.02.2022,
seeks regular bail in connection with Bakhtiyarpur Town P.S.
Case No. 75 of 2021, for the offence punishable under Section
392 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the
informant was collecting money from various customers in
course of business and when he was returning home two
miscreants forcibly stopped the vehicle of the informant and
forcibly took away Rs. 95,000/- from the informant.

Learned counsel appearing on behalf of the petitioner



submits that informant is the eye witness. He has made specific allegation in the FIR against two accused persons. In the confessional statement, co-accused Ashu Kumar has named the present petitioner due to enmity. The petitioner was not involved in the alleged crime. She further submitted that other co-accused who have also been made accused in the present case on the basis of confessional statement of co-accused Ashu Kumar have already been released on bail by Co-ordinate Benches of this Court and in this regard orders are at Annexure 2 series. It is further submitted on behalf of the petitioner that petitioner's case is on better footing than the other co-accused including co-accused Ashu Kumar, who has been released on bail vide order dated 12.04.2022 passed in Cr. Misc. No. 59716 of 2021. On the basis of confessional statement of said Ashu Kumar the recovery was also made from the possession of one co-accused Sikandar Kumar and said Sikandar Kumar has also been released on bail vide order dated 11.05.2022 passed in Cr. Misc. No. 69526 of 2021. So far as the present petitioner is concerned, nothing has been recovered from his possession or from his house. It has been submitted that four cases are pending against the petitioner and in some cases the petitioner has been released on bail. Charge-sheet has already been submitted. The petitioner



has not been put on TIP. On these grounds petitioner seeks to be released on bail.

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

Having heard the rival submissions, perused the F.I.R. and the impugned order, it appears that FIR is against unknown, the name of the petitioner has surfaced in course of investigation on the basis of confessional statement made by one co-accused who has already been released on bail by Co-ordinate Bench of this Court, the recovery has been made from other co-accused, nothing has been recovered from the possession of the petitioner, petitioner has not been put on TIP, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri N.K. Pandey, Judicial Magistrate, 1st Class, Saharsa in connection with Bakhtiyarpur P.S. Case No. 75 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No. 3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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