

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34056 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- JHANJHARPUR District- Madhubani

Sanjay Mahto @ Sanjay Kumar Mahto Son of Ashok Mahto Resident of
Village - Chanauraganj, P.S. - Jhanjharpur, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Binod Kumar No.3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 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 learned

APP for the State.

Petitioner seeks regular bail in connection with

Jhanjharpur P.S Case No 52 of 2022, G.R No 418/2022 registered

for the offence punishable under section 394 of the Indian Penal

Code.

Allegedly, the accused persons including the petitioner

stopped their Scorpio vehicle near the vehicle of informant and

thereafter forcefully attempted to take informant in their vehicle

saying that they were Police personnel and then a patrolling party

of P.S concerned arrived there and this petitioner and co-accused



were apprehended at the spot with their Scorpio vehicle.

The main submissions advanced by Mr. Manoj Kumar Jha, learned counsel for petitioner are that the petitioner has been languishing in jail since 12.03.2022, the alleged offence of section 394 of IPC is not made out in this case, the time of seizure as mentioned in the seizure list is completely doubtful as the time of alleged occurrence is stated to be at 11:30 P.M while the time of seizure is stated to be at 5:10 A.M hence the said fact creates a serious doubt in the prosecution's allegation. Further submission is that against the petitioner there is criminal antecedent of one case under the Excise Act in which he is on bail.

Mr. Binod Kumar, learned APP for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case and mainly taking into account the facts that the seizure of the alleged vehicle was made before the Police personnel who have been shown as witnesses of the said seizure in the seizure list and the present case relates to an attempt of abduction and loot and the petitioner has been languishing in jail since 12.03.2022 and as per learned counsel for the petitioner he has been charge-sheeted and his case is at initial stage, in the opinion of this Court the petitioner deserves to a lenient approach, 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 concerned Court in connection with Jhanjharpur P.S. case no. 52 of 2022, 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.

(4) 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 other than of G.O. case no. 76 of 21 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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