

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49110 of 2021**

Arising Out of PS. Case No.-495 Year-2016 Thana- CHAPRA TOWN District- Saran

Guddu Mahto Son of Ganesh Mahto @ Ganesh Prasad Residence of Mohalla
- Ahirtoli, P.S.- Chapra Town, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kumari

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 447, 307, 386, 504, 506, 120(B) of the Indian Penal Code.

According to prosecution case, on 25.10.2020 the informant stated that the petitioner Guddu Mahto and other person namely Raja came at his house and demanded rupees one lac fifty thousand as Rangdari and abused and due to non payment of Rangdari the petitioner alongwith three-four persons armed with arms and threatened to kill the informant and shot



fire in which a neighbor Rakesh Kumar was injured.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence is 25.10.2016 but the present F.I.R. has been lodged on 30.10.2016 after delay of four days without any explanation. He further submits that it appears from the F.I.R. that the petitioner demanded Rangdari from the informant on 25.10.2020 but the informant did not inform the police. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 31.07.2017.

Vide order dated 17.12.2021 a report was called for with regard to the present stage of trial. From perusal of same it reveals that the case is pending for prosecution evidence and there is no possibility of conclusion of the trial in near future.

The learned counsel for the Informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Chapra Town P.S. Case No. 495 of 2016, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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