

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40253 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- CHAKIA District- East Champaran

Tuntun Mahto Son of Harendra Mahto Resident of Village - Bishunpur
Saraiya, P.s.- Deoriya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chakiya
P.S. Case No. 105 of 2021 registered for the offence under
Section 395, 397 of Indian Penal Code and Section 3/4
Explosive Substance Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.05.2021.

The allegation against the petitioner is to commit
dacoity in the house of informant and looted away cash,
ornaments and other valuable items and thereafter, fled away
after exploding bomb at the door of the informant.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused namely, Raj Kumar Rai, in furtherance thereof nothing surfaced during the course of investigation, which may connect, prima facie, with present set of occurrence of dacoity. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50031 of 2021 vide order dated 25.11.2021. It is also submitted that petitioner was not put on TIP as yet. It is also submitted that petitioner was found involved in 4 more criminal cases of almost same nature, has been falsely implicate in present case also without having any connecting evidences, where in most of the cases the name of petitioner surfaced on the basis of confessional statement, as of present case. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material was recovered/surfaced to



connect this petitioner with present set of occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chakiya P.S. Case No. 105 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Mr. Avnish Kumar, Judicial Magistrate-1st Class, East Champaran, Motihari/concerned Court, subject to the conditions as follows:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical



appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Gudiya Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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