

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52125 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Ramayan Kumar Mahto @ Ramayan Mahto S/O Lal Babu Mahto R/O
Village- Parsauni Jahangir, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Adv

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 16-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Sahebganj P.S.Case No. 106 of 2020 for
the offences punishable under Sections 395 and 397 of the
Indian Penal Code.

As per the prosecution case, it is alleged that 11
unknown miscreants entered into the house of the informant
and looted the ornaments and other valuables worth Rs 8
lac. It is further alleged that two miscreants were assaulted
the informant and his son.



Learned counsel for the petitioner submitted that FIR has been instituted against unknown persons. During the course of investigation, the name of the petitioner has surfaced on suspicion that too at the belated stage of inquiry. It is further submitted that due to past criminal antecedent of the petitioner his name has been implicated in this case. He has neither put on TIP nor any incriminating material has been recovered from person or possession of the petitioner. However, he is in custody since 14.09.2020. It is lastly submitted that the investigation of the crime is already completed and the charge sheet has been submitted but till date the case has not been committed to the court of session for trial.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has found involved in two other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner is not named in the FIR and no incriminating material has been recovered from his possession. Moreover, he is in custody since 14.09.2020 but till date he has not been put



on TIP, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st West Muzaffarpur in connection with Sahebganj P.S.Case No. 106 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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