

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44104 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- BACHHWARA RAIL P.S. District-
Begusarai

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RAKESH MAHTO @ RAKESH TATWA S/o Sita Ram Mahto R/o Village-
Hasanpur Surat, Ward No. 12, P.S.- Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-10-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bachhwara Rail P.S. Case No. 11/2021 registered for the
offences punishable under Sections 401, 414 of the Indian Penal
Code.

As per prosecution case, four persons were talking
among them, on seeing the police force they started fleeing
away, but one co-accused, Karan Sahni was apprehended upon
searched one pointed knife and Rs.2,000/- were recovered from
him. The said apprehended co-accused disclosed the name of



petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was remanded in this case on 02.09.2021 from Jandaha P.S. Case No.167/2021 and since then he is languishing in jail. The petitioner bears criminal antecedent of 05 cases and in all cases he is on bail. The petitioner is not apprehended on the spot and no incriminating article has been recovered from the conscious possession or from his house of the petitioner. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner bears 05 criminal antecedents out of which four cases related with the railway.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot,



argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Barauni Rail, District-Begusarai in connection with Bachhwara Rail P.S. Case No. 11/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall



continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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