

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44956 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

MAHESH MAHTO Son of Ram Bilash Mahto Resident of Village - Simariya
Ghat, Bind Toli, P.s.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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.

Learned counsel for the petitioner is permitted to
make necessary correction in prayer portion of the petition
during course of the day.

The petitioner seeks bail in connection with Rail
Barauni P.S. Case No. 145 of 2022 registered for the offences
punishable under Sections 401, 414 read with Section 34 of the
IPC and Section 147 of Railway Act, 1989.

As per prosecution case, petitioner and other were
making plan for committing theft and petitioner has been
apprehended by the police with stolen mobile and purse



containing Rs. 550/-.

Learned counsel for the petitioner submits that petitioner is in custody since 15.04.2022 and bears criminal antecedent of one case. Petitioner is quite innocent and committed no offence and has falsely been implicated in the present case due to suspicion. Search and seizure has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Barauni at Begusarai in connection with Rail Barauni P.S. Case No. 145 of 2022, 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.

(Alok Kumar Pandey, J)

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