

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61240 of 2021**

Arising Out of PS. Case No.-3 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Shankar Kumar Mahto @ Shankar Mahto Son of Jagdish Mahto Resident of
Mohalla - Moulaganj, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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

2 25-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 connection with Laheriasarai
P.S. Case No. 3 of 2018 (S.T. No. 25 of 2019) registered for the
offences punishable under Sections 392, 448 of the Indian Penal
Code.

According to prosecution case, when the informant
was alone in her house then two youths entered into her room
and at the point of knife and pistol snatched all the ornaments
from the informant and also took away all the silver utensils,



gold jewelries, mobile phones, important documents and ATM Cards by breaking the Godrej Almirah.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that this is the fourth attempt of bail by the petitioner. He further submits that during custody of petitioner charge has been framed vide order dated 05.07.2019 under section 394/34, 411/34, 414/34, 450/34 and 489-C/34 of the Indian Penal Code. He further submits that till date no charge sheeted witnesses have been examined. He further submits that it appears from the impugned order itself that after framing of charge no witness has been produced by the prosecution. The petitioner is in custody since 14.01.2018.

The learned Additional Public Prosecutor has 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 Additional Session Judge-V, Darbhanga in connection with Laheriasarai P.S. Case No. 3 of 2018 (ST No. 25 of 2019), 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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