

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65050 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- SAHIYARA District- Sitamarhi

Ajay Mahto @ Ajay Kumar S/o Late Ram Sewak Mahto R/o Village- Jai
Nagar, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-07-2022 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 Sahiyara
P.S. Case No. 76 of 2021 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.08.2021.

The allegation against the petitioner is to commit
robbery and while committing so, taken away Rs.3,50,000/-
(Rupees Three Lakh Fifty Thousand) in cash, belongs to
informant.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis



of disclosure made by police spy. It is submitted that the recovery of cash of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) from the house of the petitioner, belongs to the petitioner, as received from sale of land. It is further submitted that nothing surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged recovery of cash in want of any details and denomination of currency. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is not named in F.I.R., who is a man of clean antecedent, as per case diary.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation including the alleged recovery of cash, which may connect the petitioner with present occurrence, who is a man of clean antecedent, coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to



be released on bail in connection with Sahiyara P.S. Case No. 76 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 Chief Judicial Magistrate, I/C, Sitamarhi/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Vishwanath Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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