

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67759 of 2021

Arising Out of PS. Case No.-173 Year-2013 Thana- MADANPUR District- Aurangabad

Guddu Mahto @ Guddu Mehta Son of Arun Kumar Resident of Village -
Shahpur, P.s.- Aurangabad Town, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

According to prosecution case, informant Krishnandan Diwedi (posted as Cash Officer in Madhya Bihar Gramin Bank, Branch-Aurangabad) gave his written statement before S.H.O. Madanpur, alleged therein that on 28.10.2013 from Madhya Bihar Gramin Bank Aurangabad Branch, he carried Cheque of Rs.43 lakhs to Punjab National Bank Aurangabad Branch and from their currency chest kept cash of Rs.43 lakhs in box and



left for distribution of cash to branches of Madhya Bihar Gramin Bank alongwith Guards Akhilesh Kumar, Nagendra Singh and driver Rajesh Kumar from cash van. In between Dev mor to Dev near Rasulpur mor, suddenly cattles came due to which van speed was reduced. In the meantime, on four different motorcycles persons aged about 25020 years came of distinct colour and structure came and surrounded cash van, fired indiscriminately which injured two guards and all these persons looted arms from the two guards and looted box of Rs.43 lakhs and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Sanjeet Kumar @ Lallu. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that in fact the petitioner is in custody since 18.11.2016 in Aurangabad Town P.S. Case No. 112 of 2015 but in the present case petitioner has been remanded on 22.08.2021. He further submits that similarly situated, co-accused, namely,



Ajit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2014 passed in Cr. Misc. No. 8791 of 2014, another co-accused namely Ashutosh Kumar, has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2014 passed in Cr. Misc. No. 11952 of 2014, another co-accused namely, Ashwini Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 08.07.2014 passed in Cr. Misc. No. 14171 of 2014, another co-accused namely Umakant Dubey has been granted bail by a co-ordinate Bench of this Court vide order dated 16.02.2015 passed in Cr. Misc. No. 42453 of 2014. The petitioner is in custody since 22.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Madanpur P.S. Case No. 173 of 2013, 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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