

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71142 of 2021

Arising Out of PS. Case No.-1 Year-2015 Thana- GOPALPUR District- Patna

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GUDDU MAHATO S/O MAHESH MAHATO @ KANA Resident of Bahari
Chhawalpura, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shovendra Kumar

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-10-2022 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
Gopalpur P.S. Case No. 01 of 2015 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, four persons made the
informant and his family members captive and have stolen
jewelry of informant's mother, jewelry kept in a trunk in the
house and informant's mobile phone and fled away.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.09.2021. Petitioner bear four
criminal antecedents. Learned counsel further submits that



petitioner is not named in the F.I.R. During the course of investigation, upon the confessional statement of Pawan Sahani, name of present petitioner has been surfaced in this case. The petitioner was not put on T.I.P. up till now. Except confessional statement nothing is on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., argument advanced on behalf of the parties 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional chief Judicial Magistrate, Patna City, Patna in connection with Gopalpur P.S. Case No. 01 of 2015, 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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