

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1395 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- MUFFASIL District- West Champaran

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MOHAN MAHTO Son of late Jiut Mahto Resident of Village - Hirapakad,
P.S.- Manuapul O.P., Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 353, 224, 225, 332, 333, 427, 504, 506 of the IPC.

Allegation against the petitioner is that he alongwith others protested against the arrest of co-accused and they got released co-accused, Brajesh Sharma from custody of the police.



The accused persons started brick batting on the police force.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that no specific allegation or overt-act is alleged against the petitioner and there is general and omnibus allegation against the petitioner and other accused persons and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.09.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the basis of the material available on the record and the case diary and submits that it has come during investigation that the petitioner and other co-accused persons were involved in the business of narcotics. He further submits that for that occurrence, another case has been instituted and the petitioner has no concern at all. Further submits that the petitioner carries twelve more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below



where the case is pending in connection with Bettiah(M)
(Manuapul O.P.) P.S. Case No. 479 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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