

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9360 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Mukesh Kumar @ Pago Son Of Aajo Mahto @ Ajo Mahto R/O Village-
Khawa, P.S.- Mednichauki, District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.07.2021 in connection with Piri Bazar P.S. Case No. 68 of
2021, F.I.R. dated 22.05.2021 for the offences punishable under
Section 382 of the Indian Penal Code.

According to prosecution case, four persons entered
into house of the informant and took away mobile, golden
ornaments and other articles.

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,



Kishor Mahto. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and the petitioner was arrested in Piri Bazar P.S. Case No. 81 of 2021 on 12.06.2021 and the petitioner was remanded in the present case on 22.07.2021. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one in which petitioner is on bail in all the cases.

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 A.C.J.M. 2nd, Lakhisarai in connection with Piri Bazar P.S. Case No. 68 of 2021, 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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