

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7258 of 2023

Arising Out of PS. Case No.-243 Year-2019 Thana- SHEOHAR District- Sheohar

Nagendra Mahto Son of Ram Kishun Mahto Resident of Village- Daulatpur
Chandi, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rina Sinha, Advocate
		Mr. Dharendra Prasad Sinha, Advocate
For the Opposite Party/s :		Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 21-06-2023 A counter affidavit has been filed on behalf of State
by the S.D.P.O., Sheohar.

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

03. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

04. In the present case, the petitioner seeks bail in
connection with Sheohar P.S. Case No. 243 of 2019 registered
on 28.10.2019 for the alleged offences under Section 395 of the
Indian Penal Code.

05. As per prosecution case, a *dacoity* has been
committed in one of the Branches of UCO Bank, Sheohar and
the miscreants looted Rs. 32,33,760/-. The name of petitioner



surfaced during investigation as one of the accused persons.

06. Learned counsel for the petitioner submits that the petitioner has earlier moved for bail before this Court in Criminal Misc. No. 67606 of 2021, but his prayer for bail was rejected vide order dated 04.07.2022 and the learned trial court was directed to conclude the trial within a period of six months and the petitioner was granted liberty to renew his prayer for bail, if the trial was not concluded within the aforesaid period. Learned counsel further submits that due to absconding of a co-accused person, the trial did not proceed further and the matter is still at the stage of appearance and there is no likelihood of conclusion of the trial in the near future. Learned counsel further submits that no recovery has been shown from this petitioner and he has been arraigned as an accused merely on the basis of confessional statement of co-accused. Even the said co-accused, who named this petitioner, has been granted bail by the learned court below. This petitioner has not been put to any Test Identification Parade and the charge-sheet has been submitted without any substantive evidence. Learned counsel also submits that on the last occasion, the prayer for bail of the petitioner was rejected on the ground that he was a habitual offender and a large number of cases are pending against him.



Other co-accused persons, namely, Vikas Kunmar Jaiswal and Dhiraj Kumar have been granted bail. The petitioner is in custody since 13.06.2020.

07. Learned APP for the State opposes the prayer for bail, submitting that the petitioner has been accused in altogether 20 cases of almost similar nature and one of the co-accused, who has been granted bail, has absconded.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears no likelihood for early conclusion of trial and no recovery has been shown from this petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 243 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

