

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6091 of 2023

Arising Out of PS. Case No.-151 Year-2021 Thana- BANIAPUR District- Saran

MANTU KUMAR SAH @ MANTU KUMAR @ MANTU SAH Son of Late
Hirday Sah R/V- Narharpur, Ghamari Tola P.s- Marhowrah Distt- Saran At
chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.02.2022 in connection with Baniyapur P.S. Case
No.151/2021, F.I.R. dated 07.05.2021, for the offences
punishable under Sections 392 of the IPC.

According to prosecution case, it is alleged that the
informant bring two lac rupees from the bank of Baroda and
started giving his customer in the meantime four unknown
miscreants on the point of pistol took Rs. 1,80,000/- and two
mobile.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and similarly situated co-accused, namely, Dharmendra Tiwari @ Dharmendra Tiwary @ Dharmendra Kr. Tiwari has been granted bail by a co-ordinate Bench of this Court vide order dated 10.08.2022 passed in Cr. Misc. No. 16275/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.02.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent 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 C.J.M., Saran at Chapra in connection with Baniyapur P.S. Case No.



151/2021, 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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