

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11546 of 2023

Arising Out of PS. Case No.-23 Year-2020 Thana- PARIHAR District- Sitamarhi

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DEEP NARAYAN MAHTO @ DIPU Son of Achhelal Mahto R/v- Bhatuadih,
P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 28.06.2022
in connection with Parihar P.S. Case No.23/2020, S.Tr.
No.474/2022, F.I.R. dated 10.02.2020, for the offences punishable
under Sections 394 of the Indian Penal Code.

According to prosecution case, four unknown miscreants
intercepted the vehicle of the informant and on the point of pistol
looted Rs. 5,85,865/- and mobile phones and thereafter they fled
away from the place of occurrence.

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



confessional statement of the co-accused, namely, Mukesh Kumar and nothing has been recovered from conscious possession of the petitioner. He further submits that till date no T.I.P. has been conducted by the prosecution and co-accused, namely, Mahesh Kumar Singh @ Maheshi has been granted bail by a co-ordinate Bench of this Court vide order dated 06.09.2021 passed in Cr. Misc. No. 36900/2020, another co-accused, namely, Sudhir Kumar has been granted bail vide order dated 22.02.2021 passed in Cr. Misc. No. 40006/2020 and another co-accused namely Vijay Baitha has been granted bail vide order dated 06.08.2021 passed in Cr. Misc No. 8520/2021, another co-accused namely, Mahesh Singh has been granted bail vide order dated 09.12.2022 passed in Cr. Misc. No. 47005/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.06.2022.

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 has carried nine criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the 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 Additional Sessions Judge-XII, Sitamarhi in connection with S.Tr. No. 474/2022, 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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