

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13469 of 2023

Arising Out of PS. Case No.-511 Year-2022 Thana- BARBIGHA District- Sheikhpura

DHARMRAJ MAHTO S/O Jayram Mahto @ Jayram Dhanuk R/O Village-
Bhadarhi, P.S- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 22.11.2022
in connection with Barbigha (Keoti O.P.) P.S. Case No. 511 of
2022, F.I.R. dated 21.11.2022 for the offence punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, the petitioner along with
other co-accused persons snatched the informant's motorcycle's
key and his mobile.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the
present case and the allegations levelled in the FIR are false and
fabricated and petitioner has not committed any offence
mentioned in the FIR and due to previous enmity the petitioner
has been falsely implicated in the present case. He further

submits that similarly situated, co-accused, namely, Kanhaiya Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 14214 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Sheikhpura in connection with Barbigha (Keoti O.P.) P.S. Case No. 511 of 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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