

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21157 of 2022**

Arising Out of PS. Case No.-101 Year-2021 Thana- SIMRA District- West Champaran

PANKAJ MAHATO Son of Baleshwar Mahto Resident of village -  
Nautanwa, P.S.- Semra, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

5      16-01-2023                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Semra  
P.S. Case No. 101 of 2021 registered for the offence punishable  
under Section 392 of the Indian Penal Code.

As per prosecution case, on 16.09.2021 the  
informant was returning after collecting money and it is alleged  
that in the way on the point of pistol four miscreants looted  
collected amount of rupees 2.25 lacs from the dickky of  
informant's motorcycle. It is also alleged that miscreants looted  
rupees ten thousand and mobile from the informant and fled  
away.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced during the course of investigation on the basis of C.D.R. as sim card in question which was used in the looted mobile and allegedly the aforesaid sim card was in the name of wife of the petitioner and the petitioner has no knowledge about the same. He further submits that no TIP was conducted in the case and his confession was taken by the police forcibly which has no value in the eyes of law. Petitioner is in custody since 26.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that looted mobile is recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, period of custody which is more than one year, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released



on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Bagaha, West Champaran in connection with Semra P.S. Case No. 101 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

**(Alok Kumar Pandey, J)**

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