

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22990 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- MANIGACHI District- Darbhanga

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BABLOO KUMAR @ BABLOO KUMAR MAHTO SON OF PRADEEP
MAHTO R/O VILLAGE- SAKRI PURANI BAZAR, P.S.- SAKARI,
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Manigachi P.S. Case No. 18 of 2022 registered for the offences
punishable under Section 392 of the IPC.

As per prosecution case, informant and his father
was going towards their home and on the way three miscreants
came on motorcycle and snatched away a bag containing
Rupees one lakh. It is further alleged that miscreants took away
mobile of the informant's father , motorcycle of the informant
alongwith the account register of the shop of the informant.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been surfaced in the present case on the basis of confessional statement of co-accused Prince Paswan. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 15.01.2023 and bears criminal antecedent of three cases in which he is on bail in two cases. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and no TIP has been conducted uptill now. He further submits that co-accused Amit Kumar Yadav and Md. Tanveer have already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc No. 63270 of 2022 and Cr. Misc. No. 49829 of 2022 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by a co-ordinate Bench of this Court, 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 A.C.J.M. V, Darbhanga in connection with Manigachi P.S. Case No. 18 of 2022 , 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.

(Alok Kumar Pandey, J)

vashudha/-

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