

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23259 of 2023

Arising Out of PS. Case No.-650 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

BHOLA MAHTO SON OF SHIRAN MAHTO @ SHIVAN MAHTO
RESIDENT OF VILLAGE - ASHOK NAGAR, POKHARIYA, P.S. -
NAGAR, DISTT. - BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail in connection with Town P.S.
Case No. 650 of 2022 dated 20.01.2023 registered for the offence
under Sections 386, 387 and 34 of the Indian Penal Code and
Section 25(1-B)a, 26 and 35 of the Arms Act.

The petitioner along with others are alleged to have
demanded ransom on the point of gun and knife from the
informant and on being protested, they have assaulted the
informant and his son and snatched the golden chain and cash of
Rs. 5000/- from the son of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the



F.I.R, is false and fabricated. He further submits that it appears from the F.I.R. itself that no arm as alleged in the F.I.R. has been recovered from the possession of the petitioner neither any specific allegation of assault of any overt act is attributed to the petitioner rather there appears to be general and omnibus allegation of assault leveled against the accused persons including the petitioner. The petitioner has not been arrested from the spot. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Karan Kumar, has already been granted bail by co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 113058 of 2023. The petitioner is rotting in judicial custody since 20.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one even though he is on bail in that case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Begusarai in connection with Town P.S. Case No. 650 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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