

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28900 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- MIRGANJ District- Purnia

SUSHIL KUMAR MAHTO Son of Late Bhedi Mahto R/V- Sanjhaghat,
Baisakhi Tola, PS- Mirganj, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mirganj P.S. Case No. 135 of 2022 registered for the offence
under Sections 397 and 307 of the Indian Penal Code and
Section 27 of the Arms Act.

Four miscreants are alleged to have committed loot
on the point of gun and also assaulted the informant and the
have also fired upon the husband of informant while he
made protest.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the petitioner has not been named in the F.I.R. but merely on the basis of self confessional statement of the petitioner during course of investigation, he has been made accused in this case. He further submits that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the so called T.I.P. has not been conducted by prosecution by following the due procedures of Section 9 of the Indian Evidence Act and Sections 54A of the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

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, Purnea in connection with Mirganj P.S. Case No. 135 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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