

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40249 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- TARAIYA District- Saran

Munsi Mahto @ Manshi Mahto Son of Bigan Mahto Resident of Village
Dewalkha Bhithi, P.S.- Baniapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Taraiya
P.S. Case No.429 of 2021, registered for the offence
punishable under Section 392 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 28.12.2021 at around 6:00 pm, when the informant
left for Siwan carrying Pickles in his pickup van reached near
Rambagh, four persons stopped him and looted the goods
kept in the vehicle.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He also submits that the petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused. He also submits that no incriminating article has been recovered from the possession of the petitioner. He further informs that no TIP has been conducted. Investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 15.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. -I, Saran in connection with Taraiya P.S. Case No.429 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite



his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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