

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42767 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- KALER District- Jehanabad

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Anup Kumar Mahto, Son of Pravesh Mahto, Resident of village- Odiha, P.S-
Madanpur, Dist- Aurangabad Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Kaler
P.S. Case No.24 of 2022, registered for the offences
punishable under Sections 379, 420, 409, 120B/34 of the
Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 07.03.2022 when the petitioner/Anoop Kumar,
driver of a 12 wheeler truck, along with the co-driver, was
going to deliver the goods (Iron Pipes), all of a sudden, four
persons got down from a white Bolero and on the pretext of
checking of papers of the truck, snatched the mobiles of the
driver and co-driver, and a cash of Rs. 3000/- putting pistol



on his neck. Further, they covered their eyes and released them near Baidarabad Canal. Moreover, when the police, along with the driver and co-driver, reached the place of occurrence, the said truck was not found there.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither named in the FIR nor any recovery has been made from his possession. He further informs that the only material available against the petitioner is, his so-called confessional statement before the police.

He further submits that the petitioner has been languishing in jail since 14.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

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. Court of A.C.J.M. Ist, Arwal (Jehanabad), Bihar in connection with Kaler P.S. Case No.24 of 2022 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 any criminal antecedents, 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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