

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47575 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- JURAWANPUR District- Vaishali

Shiv Dayal Mahto Son Of Mishri Mahto Resident Of Village- Raghopur West,
Ps- Jurawanpur, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 13.05.2023 in connection with Jurawanpur P.S. Case No. 55 of 2023, F.I.R. dated 24.04.2023 for the offences punishable under Sections 436/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along with one other accused person have set the house of the informant on fire due to informant suffers huge loss.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case due to previous dispute. Earlier of the wife of the co-accused, Ranjeet Mahto has lodged a case against the informant and his family members vide Jurawanpur P.S. Case No. 128 of 2022 under Sections 376 and 354 of the Indian Penal Code and thereafter, the informant and his family members always pressurized the petitioner to compromise the case. He further submits that it appears from the F.I.R. that merely on the basis of suspicion, the petitione has been implicated in this false and fabricated case. He further submits that no one is the eye witness of the alleged occurrence. The petitioner is in custody since 13.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 55 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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