

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49113 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Mahesh Kumar Son Of Late Baijnath Mahto R/O-Ambari, P.S.-
SHEKHOPUR Sarai, Distt.-SHEIKHPURA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 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
30.05.2023 in connection with Shekhopur P.S. Case No. 94 of
2023, F.I.R. dated 19.05.2023 for the offences punishable under
Section 395 of the Indian Penal Code.

4. According to prosecution case, 10 miscreants
intercepted the informant while he was returning to his village
and on the gun point, they snatched his bike, mobile phone, cash
and other things and fled away.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Gokul Kumar @ Gopal Kumar. He further submits that it appears from the F.I.R that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the other accused persons and not a single looted article has been recovered from the possession of the petitioner. He further submits that the 3 mobile phones which were recovered from were in the name of the petitioner and his wife and the said mobile phones were not the looted articles. The petitioner is in custody since 30.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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, Sheikhpura in connection with Shekhopur P.S. Case No. 94 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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