

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56408 of 2023

Arising Out of PS. Case No.-390 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Rajiv Ranjan Mahato @ Rajiv Ranjan @ Chhotu S/O Mukesh Choudhary @
Mukesh Mahato R/O Village- Maniyirva, P.S- Khajauli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 390 of 2021 giving rise to S.T. No.383 of 2023 for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 12.09.2021 by the informant, Shashibhushan Singh.

3. As per the prosecution story, on information that the accused persons have assembled to commit crime, the police reached the place of occurrence and apprehended four accused persons. From those apprehended, the country-made revolver/mobile phone seized. They gave the name of the persons who escaped, petitioner is one of them.



4. It is the case of the petitioner that he has not been arrested on the spot. Nothing has been recovered from his possession for which he has suffered by being in jail custody since 15.05.2023 (para-15).

5. Learned APP on the other hand submits that he has criminal antecedent of the same nature.

6. Considering the aforesaid submissions put forward by the learned counsel for the parties, the fact remains that he has not been arrested from the spot, has remained in custody since 15.05.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I, Darbhanga, in connection with Sadar (Bhalpatti) P.S. Case No. 390 of 2021 giving rise to S.T. No.383 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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