

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52036 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- KHAIRA District- Saran

RAHUL KUMAR MAHTO @ RAHUL KUMAR SON OF LAKSHMAN
MAHTO RESIDENT OF VILLAGE- BANNI, PS- KHAIRA, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 03.06.2023 seeks
bail, in connection with Khaira P.S. Case No.193/2023, dated
02.06.2023, for the offences punishable under Sections 395 and
397 of the IPC.

3. According to prosecution case, six unknown persons
on two motorcycles dashed the motorcycle of the cousin of the
informant due to which he fell down and thereafter one of the
co-accused on the point of pistol snatched the key of the
motorcycle of the cousin of the informant and also gave knife
blow on the back of the cousin of the informant and fled away.

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



implicated in the present case. He further submits that from bare perusal of the F.I.R, it appears that one motorcycle has been recovered from the possession of the petitioner. He further submits that the motorcycle in question belongs to one Harendra Kumar Mahto, who is uncle of the petitioner and the petitioner has annexed the registration certificate of the motorcycle in question, which was recorded in the name of uncle of the petitioner namely Harendra Kumar Mahto. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 03.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 Sri Ravi Ranjan Kumar, J.M. 1st Class, Chapra in connection with Khaira P.S. Case No.193/2023, 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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