

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57732 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- SISWAN District- Siwan

BIRENDRA MAHTO @ LAMPATWA S/O LATE SRI RAM MAHTO R/O
VILLAGE- KISHUNBARI, P.S- SISWAN, DISTT.- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Mr. Kumari Anupam, learned counsel for the
petitioner and Mr. Ram Naresh Ray, learned APP for the State.

The petitioner is in judicial custody in connection with S.T. No. 280 of 2023 arising out of Siswan P.S. Case No. 118 of 2022 for the offence punishable under Sections 395 of the Indian Penal Code lodged on 29.5.2022 by the informant, Amrendra Kumar Singh.

As per the prosecution story, the allegation is that the accused persons barged into the house of the informant at 11:00 PM and relieved them of their cash, ornaments and articles worth Rs. 10 lakh before stealing. Accordingly, the FIR.

The case of the petitioner is that though he had a dozen criminal antecedents, all these prior to 2010, he was leading a normal life, trying to be a part of the society but the



police deliberately dragged him in this case on the confessional statement of one Sunil Singh. Further submission is that he is in custody since 16.3.2023 (para-15 of the petition), no TIP conducted. Further, one co-accused has been granted bail in Cr. Misc. No. 33865 of 2023 by a coordinate bench.

Learned APP opposes the prayer for bail.

Taking into account the said submissions put forward by the parties as also the fact that similar situate person whose name also came after confession of Sunil Singh has since been granted bail, as stated above, this Court is inclined to extend him the privilege of bail after framing of charges with conditions.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., IVth, Siwan, in connection with S.T. No. 280 of 2023 arising out of Siswan P.S. Case No. 118 of 2022 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 month for next one year 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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