

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54565 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- CHAKIA District- East Champaran

Beer Kumar Mahto @ Beer Kumar S/O Brajnandan Mahto @ Baghela Mahto
R/O Village- Palanwa, P.S. Palanma, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 22.04.2022, in connection with Chakiya P.S. Case No. 183 of 2021, F.I.R. dated 14.07.2021 registered for the offences punishable under Sections 420, 406 of the Indian Penal Code but the police after investigation submitted chargesheet against the petitioner under Sections 406, 420, 467, 468, 471, 504, 506, 120(B) of the Indian Penal Code and Section 3 of Bihar Protection of Interest of Depositors (Financial Establishment) Act.

Allegation against the petitioner is that he was involved in arranging the meting of the innocent poor and helpless females to get loans from the financial institutions and



deposit into Mother Teresa Future Finance Trust.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 course of investigation on the basis of confessional statement of co-accused Nirbhay Kumar Yadav who was arrested in connection with Madhuban P.S. Case No. 218 of 2021 in which the police has recorded his confessional statement and on the basis of the said confessional statement, the petitioner has been falsely implicated in the present case. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Nirbhay Kumar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 8112 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sadar Motihari, East Champaran, in connection with Chakiya P.S. Case No. 183 of 2021, 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 witness, 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 antecedents, 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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