

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56919 of 2023**

Arising Out of PS. Case No.-197 Year-2022 Thana- SAHPUR District- Bhojpur

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DEEPAK MAHTO S/O HARE RAM SINGH R/O VILLAGE- ANAITH,
ARA, P.S- ARA NAWADA, DISTT.- BHOJPUR, ARA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate

For the Opposite Party/s : Mr Kalyan Shankar, APP

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CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023

Heard the parties.

2 The petitioner is in judicial custody in connection with Shahpur PS Case No 197 of 2022 initially registered for the offence punishable under Section 392 of IPC but later on added with Section 395 of IPC.

3 As per the prosecution story, the informant was moving from Shahpur to Bihiya Station along with his friend on a motorcycle when, on the gun point, the miscreants snatched the bag of the informant containing Rs 3,09,000/- as well as the bag of his friend containing Rs 3,20,000/- as also the documents. Accordingly, the FIR.

4 The case of the petitioner is that his name has come in the confessional statement of another co-accused persons



Manish Pandey and despite his jail custody since 03.01.2023 (paragraph 14 of the bail petition), he has not been put on Test Identification Parade.

5 Learned APP opposes the prayer for bail. It is submitted that the petitioner has criminal antecedent.

6 Taking into account the fact that the name of petitioner has come in the confessional statement of co-accused and though he is in custody since 03.01.2023 but no Test Identification Parade has been conducted, this Court is inclined to extend him the privilege of bail with conditions.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Bhojpur at Ara in Shahpur PS Case No 197 of 2022 subject to the following conditions:

(i) One of the bailors 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 bonds 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 his 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, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

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