

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60097 of 2022

Arising Out of PS. Case No.-416 Year-2017 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Md. Mahtab Alam Khan @ Mahtab Khan S/O Late Md. Azad Ali Khan R/O Village- Karimganj Bhadeya, P.S.- Barachatti, Distt- Gaya.
2. Yugesh Kumar @ Jugesh Yadav S/O Lae Budhu Yadav R/O Village- Kahudag, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 418, 419, 420 and 384 read with section 34 of the Indian Penal Code.

As per the prosecution case, the co-accused Manoj Kumar Singh and Mustak Ansari were apprehended when they were returning after passing over loaded truck and thereafter they confessed their guilt and stated the names of his associates



including the petitioners.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Similarly situated co-accused has already granted bail by the co-ordinate bench of this court *vide* order dated 20.09.2017 passed in Cr. Misc. No. 43048 of 2017. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Kaimur at Bhabhua in connection with Mohania P.S. Case No. 416 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following condition:-

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

This application stands allowed.

(Chandra Prakash Singh, J)

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