

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72823 of 2022

Arising Out of PS. Case No.-158 Year-2019 Thana- BAKHARI District- Begusarai

Vijay Kumar Mahto @ Vijay Mahto S/o Late Upendra Mahto R/o Village-
Ptla, P.S.- Chhaurahi(O.P.), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395 of the Indian Penal
Code.

According to prosecution case, several miscreants
intercepted the pickup van which was being driven by the
informant and they snatched the pickup van, mobile phone and
Rs. 2,800/- from the informant and fled away.

Learned counsel for the petitioner submits that
petitioner has falsely been 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 on the basis of the confessional statement of the co-accused person, namely, Vikas Kumar @ Bablu. He further submits that the petitioner is remanded in the present case from Purnia Case No. C1-180 of 2020 on 15.04.2021. He further submits that till date no T.I.P. has been conducted by the prosecution and no incriminating article has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Prabin Kumar @ Munil has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.03.2021 passed in Cr. Misc. No. 37507 of 2020 and another co-accused person, namely, Kamal Kishore @ Mangal has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 39416 of 2021. The petitioner is in custody since 15.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 4 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and



the period of custody, 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 the learned Court below where the case is pending in connection with Bakhri P.S. Case No. 158 of 2019, 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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