

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62606 of 2022**

Arising Out of PS. Case No.-652 Year-2021 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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SHARVAN MAHTO @ KEDIA, S/O Bharat Mahto @ Bharat Nishad, R/O  
Village- Simariyaghat Bind Toli, P.S- Barauni, Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate  
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      02-02-2023                      Heard learned counsel for the petitioner and the learned  
APP for the State.

The petitioner seeks bail in connection with Begusarai  
Muffasil P.S. Case No. 652 of 2021 registered for the offence  
punishable under Sections 392 and 397 of the Indian Penal Code and  
Section 27 of the Arms Act.

The prosecution case alleges that while informant's  
daughter was at her shop, three unknown miscreants riding on one  
motorcycle came and two of them entered into the shop and snatched  
the bag containing Rs. 50,000/- (Fifty thousand rupees) and took out  
Rs.10,000/- (Ten thousand rupees) from cash box on the point of  
pistol.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has not committed any offence rather he



has falsely been implicated in this case. It is submitted that though the petitioner is in custody since 04.06.2022 but he has not been put on test identification parade. Similarly situated co-accused persons namely Suraj Pathak and Raja Kumar have been allowed bail in *Cr. Misc. No. 17558 of 2022* and *Cr. Misc. No. 59416 of 2022*, respectively. It is further submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case, wherein it is submitted that name of the petitioner has transpired in the confessional statement of the co-accused Bipin Kumar, there is no recovery of any incriminating article from possession of the petitioner, he has not been put on test identification parade and he is in custody since 04.06.2022, he has been brought on remand in this case after his arrest in Barauni P.S. Case No. 29 of 2022 and he is on bail in the four cases. Investigation against the petitioner is complete and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

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 learned C.J.M., Begusarai, in connection with Begusarai Muffasil P. S. Case No. 652



of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

shashank/-

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