

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66763 of 2022**

Arising Out of PS. Case No.-218 Year-2019 Thana- CHAUTHAM District- Khagaria

SATTAN MAHTO @ SATTO MAHTO S/o Late Upendra Mahto R/v- Bhasti
Bind Toli, P.S.- Sonvarsha, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Prosecution case, in brief, is that the informant Manohar Yadav given written application before S.H.O. Choutham, that on 19.09.2019 he was going to his in-laws house from Beldour on a motorcycle. At about 10:15 PM he reached the bridge going to Braham High School in Malpa-Badla road, and at the same time Gulab Bhagat reached there on his motorcycle, then 10-12 unknown criminals stopped by showing fear of sticks and pistols and started beating both the persons with sticks and pistols and my motorcycle, mobile



Samsung company and then thousand rupees snatched and a motorcycle, two mobile, titan watch, ATM card, pen card, Aadhar Card and one lakh nine thousand rupees snatched from Gulab Bhagat and tied their hands, feet and left them in the paddy field on the side of the road and all criminal fled away with both motorcycles.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the self confessional statement of the petitioner which was recorded in the Choutham P.S. Case No. 272 of 2019. He further submits that except the aforesaid self confessional statement, no other cogent material has come during investigation against the petitioner. He further submits that petitioner was not involved in the present occurrence and the looted articles have been recovered from the possession of the co-accused, namely Bablu Yadav and Ram Lakhan Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely,



Bibodh Yadav @ Bibodh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 19.07.2021 passed in Cr. Misc. No. 8305 of 2021, another co-accused, namely, Lalu Kumar @ Lalu Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 04.04.2022 passed in Cr. Misc. No. 46379 of 2021, and another co-accused, namely Bablu Yadav @ Aashish Yadav has been granted bail by this Hon'ble Court vide order dated 31.03.2022 passed in Cr. Misc. No. 60235 of 2021 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one, out of which the petitioner is on bail in five cases.

Considering the aforesaid facts and circumstances, 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 Choutham P.S. Case No. 218 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)

Saurabhkrsinha/
Alok/-

U		T	
---	--	---	--

