

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68678 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Phuldeo Mahto @ Phooldeo Mahto, S/O Jaleshwar Mahto R/O Village- Parsa
Sadan, P.S- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuber Pathak, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 72 of 2022 lodged on 03.03.2022
under Sections 147, 148, 149, 302 and 120(B) of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms
Act.

3.Learned counsel for the petitioner submits that vide
order dated 21.09.2022 passed in Cr. Misc. No. 36954 of 2022,
bail application of the petitioner was rejected with liberty to
move for bail after one year from the date of framing of charge.
Counsel submits that one year has already been completed and
from the date of rejection, case is running at the stage on the
point of charge. It has also been intimated in the report that trial



is likely to be concluded within three months if prosecution will produce the witnesses regularly. Counsel also submits that other accused persons have been granted bail in this case vide orders dated 01.05.2023 and 24.07.2023 passed in Cr. Misc. No. 15347 of 2023 and 39877 of 2023 respectively (annexed as Annexure-P/4). Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 05.03.2022.

4. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the report, it transpires that case has fixed on framing of charge, but charge till date has not been framed. Counsel also submits that vide orders dated 01.05.2023 and 24.07.2023 passed in Cr. Misc. No. 15347 of 2023 and 39877 of 2023 respectively (annexed as Annexure P/4), some of the accused persons have been granted bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail but **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-20, Muzaffarpur in connection with Sahebganj P.S. Case No. 72 of 2022 subject to



the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor 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 month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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