

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67293 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- ATHMALGOLA District- Patna

Tantan Kumar @ Tantan Mahto Son Of Bipin Mahto @ Bipin Prasad R/O
Village- Thama, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 354A, 354D, 506, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on dated 12.08.2022 informant namely Sita Devi had gone to her father's house. At about 5:30 P.M. her daughter was sitting at Chabutra near the house then accused persons namely Tantan Mahto and Akash Kumar told to her daughter that to accompany with them in field and also passed some filthy language and if you will not go with them they will outrage her modesty by entering into her house and both the accused persons knocked her door and



resorted firing.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place and the petitioner has been implicated in the case due to some ulterior motive. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner and the specific allegation against co-accused Akash Kumar and co-accused Akash Kumar has been granted the privilege of anticipatory bail by the learned Court below itself. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Athmalgola P.S. Case No. 223 of 2022, with 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 witness, 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 antecedents, 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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