

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73475 of 2023**

Arising Out of PS. Case No.-268 Year-2021 Thana- DORIGANJ District- Saran

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DIWALI MAHTO@DIWALI MAHATO SON OF DHANESHWAR MAHTO
RESIDENT OF VILLAGE- JAGADISHPUR, PO- DORIGANJ, PS-
DORIGANJ, DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Doriganj P.S. Case No. 268 of 2021 corresponding to G.R. No. 7478 of 2021 registered for the offences under section 395 of the Indian Penal Code lodged on 07.10.2021 by the informant, Ramji Yadav.

3. As per the prosecution story, when the informant was coming to Chapra after collection of money, was intercepted by the accused persons on two motorcycles on Chapra Ara bridge and looted Rs. 46,860/- from the informant, Rs. 50,150/- from Subodh Kumar and Rs. 52,401/- from Nikhil Tiwary on gun point, besides mobiles. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that he is not named in the FIR and on the confession of Raju Kumar, he has been arrested but has not been put on T.I. Parade despite the fact that he is in custody since 01.09.2023 (as stated in paragraph 14 of the bail application).

5. He further submits that Raju Kumar, Amarjeet Kumar and Niraj Kumar have been granted bail by co-ordinate benches in Cr. Misc. No. 6906 of 2023 and Cr. Misc. No. 32540 of 2023 respectively.

6. Let the same be kept on record.

7. Learned APP for the State, on the other hand, opposes the prayer for bail stating the the perusal of the two order sheet does not reflect that whether they were having criminal antecedent or not whereas in this case, the petitioner is having five criminal antecedents of the same nature.

8. Considering the submissions put forward by the parties as also the fact that he is in custody since 01.09.2022 and no T.I.Parade has been conducted and further the others have been granted bail, as stated above, this Court is inclined to extend him privilege of bail but only after framing of the charges in view of the fact that he has criminal antecedents.

9. Let the petitioner be released on bail after framing



of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Doriganj P.S. Case No. 268 of 2021, subject to 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 his bail bonds.



10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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