

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7269 of 2023

Arising Out of PS. Case No.-179 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Ramesh Mahto Son of Rajendra Mahto Resident of Village- Siripur, P.S.-
Cheriyabariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2023 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 392 of the Indian Penal Code.

Earlier the petitioner has move for grant of regular
bail and the petitioner was granted bail on 03.01.2022 in Cr. Misc.
No. 50780 of 2021 with 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”*. Thereafter, the petitioner has filed an
application for modifying the order dated 03.01.2022 passed in
Cr. Misc. No. 50780 of 2021 by filing Cr. Misc. No. 26089 of 2022
for correction in paragraph-3 of the condition of the order but



the same was rejected vide order dated 22.06.2022.

Learned counsel for the petitioner submits that the petitioner carries three more cases other than the present one and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner surfaced in this case on the basis of confessional statement of co-accused namely Chandan Mahto. He further submits that nothing has been recovered from the possession of the petitioner and the petitioner is in custody since 13.01.2021.

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

Considering the facts and circumstances of the case, 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 Barh P.S. Case No. 228 of 2020, 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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