

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1601 of 2023**

Arising Out of PS. Case No.-28 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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BABLU MAHTO @ BALO MAHTO @ BABLU KUMAR Son of Rajo
Mahto Resident of Village- Panchi, P.S.- Shekhopur Sarai, District-
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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

3 19-05-2023 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sheikhopur Sarai P.S. Case No. 28 of 2022 dated 26.02.2022
registered for the offence under Sections 419, 420, 467, 468, 471,
120(B)/34 of the Indian Penal Code.

The informant is subjected to assault by fists and legs
by the petitioner and his companions due to which the informant
became unconscious.

Learned senior counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the petitioner has
been made accused in this case on the basis of disclosure made
by the co-accused, Nitish Kumar, who is stated to have been



apprehended by the police. He further submits that nothing incriminating has been recovered from the possession of the petitioner. Save and except the disclosure of the apprehended co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. The petitioner has not played any role in the occurrence as alleged in the F.I.R. Besides that the aforesaid co-accused has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 21476 of 2022 and the case of this petitioner stands on better footing to that of the co-accused. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven cases other than the present one. According to paragraph-3 of the petition, the petitioner has been acquitted in one case and he is on bail in rest of the cases out of seven.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S.



Case No. 28 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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