

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.457 of 2023

Arising Out of PS. Case No.-178 Year-2021 Thana- SHEOHAR District- Sheohar

Chhotelal Mahto @ Chhote Mahto Son of Baidhnath Mahto @ Deonath
Mahto R/v- Akhta Nonia Tola, P.S.- Bairangania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-03-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Devendra Kumar, learned counsel for the
petitioner and Mr. Md. Matloob Rab, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner, who
is in custody in connection with Sheohar P.S. Case No. 178 of
2021, registered for the offences punishable under Sections
307/394 of the Indian Penal Code and Section 27 of the Arms
Act.

It is alleged that while the informant was going on his
bicycle in the meantime two persons who were standing with
the motorcycle surrounded him and snatched his valuables. On



protest being made, one of the miscreants shot fire causing bullet injuries on his right hand.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the same has been instituted against unknown miscreants, however, during the course of investigation the name of the petitioner has sprung up on the confessional statement of co-accused Karan Sahani. He further submits that save and except the confessional statement there is no material showing complicity of the petitioner in the present crime, apart from the fact that neither any incriminating material has been recovered from his possession nor he has been put on Test Identification Parade till date though he is in custody since 12.07.2022. He next submits that in fact, the name of the petitioner has been implicated in this case on account of his being found involve in two criminal cases.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the petitioner has actively participated in the crime as is evident from the confessional statement of co-accused Karan Sahani and he has also been found involve in two other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is



neither named in the FIR nor any incriminating material has been recovered from his possession and though he is in custody since 12.07.2022, till date he has not been put on Test Identification Parade, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 178 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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