

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33 of 2023

Arising Out of PS. Case No.-125 Year-2020 Thana- MAHESI District- East Champaran

MANISH PATHAK Son of Parsanath Pathak R/V- Bishunpura P.S- Baruraj
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, ADvocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 06.01.2022, in connection with Sessions Trial No. 485 of 2022 arising out of Mehshi P.S. Case No. 125 of 2020, F.I.R. dated 04.05.2020 registered for the offences punishable under Section 392 of the Indian Penal Code but later on Sections 395 and 397, 412 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act were added.

The F.I.R. of the occurrence of loot is against unknown.

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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired



only on the basis of confessional statement of co-accused person namely Mani Kumar @ Mani Singh. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Mani Kumar @ Mani Singh who has taken the name of the petitioner in his confessional statement has been granted bail by this court vide order dated 21.12.2021 passed in Cr. Misc. No. 36315 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-2 of the supplementary affidavit that out of four cases, petitioner is on bail in two cases.

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



14th Additional Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No. 485 of 2022 arising out of Mehsi P.S. Case No. 125 of 2020, subject to 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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