

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9883 of 2024

Arising Out of PS. Case No.-29 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

Matlu Prasad S/o Rajo Mahto R/o Panchi, P.S. - Sheikhopur Sarai, Dist. -
Sheikhpura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Bipin Kumar, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sheikhopur Sarai P.S. Case No. 29 of 2021, F.I.R. dated 26.02.2021 for the offences punishable under Sections 406, 420, 467, 468, 471, 120B/34 of the Indian Penal Code.

3. According to prosecution case, one co-accused, namely, Swantil Santosh Prasad from whose possession three mobiles, three ATM cards and other items were recovered has disclosed the name of 25 accused persons including the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that from perusal of the F.I.R as well as seizure list, the incriminating articles have been recovered from the co-accused, namely, Swantil Santosh Prasad and on the basis of the disclosure made by the said Swantil Santosh Prasad, the petitioner has been implicated in the present case. He further submits that the co-accused, namely, Chandan Kumar has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 26.07.2022 passed in Cr. Misc. No. 21651 of 2022 and another co-accused, namely, Tiranju Mahto has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 19.01.2023 passed in Cr. Misc. No. 60103 of 2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate 1st Class, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 29 of 2021, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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