

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16974 of 2024

Arising Out of PS. Case No.-128 Year-2019 Thana- KANHAULI District- Sitamarhi

RAVINDRA MAHTO Son of Late Ganga Ram Mahto Resident of Village-
Ramnagra, P.S.-Kanhauli, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kanhauli P.S. Case No. 128 of 2019, registered on 04.12.2019 for the alleged offence under Sections 379, 457 and 307 of the Indian Penal Code and Section 25(I-b)a, 26/35 and 27 of the Arms Act.

3. As per prosecution case, F.I.R. named two co-accused persons committed theft in the dwelling house of the informant in the night with the help of two unknown miscreants. When the act of theft was resisted by the wife and daughter of the informant, co-accused Dinesh Paswan fired upon the daughter of informant. The name of the petitioner transpired during investigation for also being involved in the

occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant did not name the petitioner however when his re-statement was being recorded, he named this petitioner due to political rivalry of Mukhiya election. Two persons have been named in the F.I.R. and two other unknown miscreants whose name subsequently transpired in the case are Shivnandan Baitha and Sant Ram. The co-accused Shivnandan Baitha has been enlarged on bail by order of this Court dated 27.09.2022 passed in Cr. Misc. no. 69502 of 2021. The case of the petitioner is on better footing. The petitioner is in custody since 10th of August, 2023 and charge-sheet has been submitted. Petitioner has got no criminal antecedents.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering completely vague nature of allegation against the petitioner without any substantive material, the petitioner above named, is directed to be released on bail on furnishing bail

bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st-Class, Sitamarhi in connection with Kanhauli P.S. Case No. 128 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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