

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21604 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- MAJORGANJ District- Sitamarhi

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Umesh Mahto SON OF Ramji Mahto RESIDENT OF VILLAGE-
LAKARWABA, PS- MAJORGANJ, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard Mr. Sumit Jha, learned counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with Majorganj P.S. Case No. 80 of 2023 for the offence punishable under section 392 of the Indian Penal Code and section 27 of Arms Act lodged on 20.03.2023 by the informant, Lachhu Das.

3. As per the prosecution story, the informant alleged that when he was going alongwith his vehicle, having Rs. 1,10,000/- in his pocket, he found a motorcycle parked in front of the van and on the point of pistol, he was relieved of the amount. Accordingly, the FIR. Subsequently, the role of the driver (Umesh Ram) came in course of the investigation, he was arrested and later, one Sadre Alam was also picked who named this petitioner.



4. Learned counsel for the petitioner submits that only because he has criminal antecedent, on the confessional statement of Sadre Alam, he has been taken into custody. He further submits that Sadre Alam has since been granted bail vide Cr. Misc. No. 66914 of 2023 on 17.10.2023.

5. The last submission is that the petitioner is in custody since 31.12.2023 (paragraph 9 of the petition) and he will be diligently appearing in trial, if granted bail.

6. Learned APP opposes the prayer for bail submitting that he has criminal antecedent of the same nature and his name has come in the confessional statement.

7. Though he has criminal antecedent and his name has come in the confessional statement, taking into account the period of custody i.e. 31.12.2023 as also the fact that Sadre Alam, the person on whose confession he has been implicated has since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-1st, Sitamarhi, in connection with Majorganj P.S. Case No. 80 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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