

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40231 of 2024

Arising Out of PS. Case No.-195 Year-2018 Thana- BIHAR District- Nalanda

Chotoo Mahto s/o Late Upendra Mahto R/o- Mohalla- Gadhpur . P.S- Bihar,
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihar
P.S. Case No. 195 of 2018 dated 06.05.2018, instituted for the
offence punishable under Sections 394 of the Indian Penal
Code.

3. The prosecution case, in short, is that on
05.05.2018, the informant was sleeping in his house. In the
meantime, two to three persons entered into his room and
assaulted his daughter with *fasuli* causing head injury. On hue
and cry, they fled away by snatching the mobile of his daughter.
During the course of fleeing, one mobile phone of the accused
and blooded stained *fasuli* fell down which were seized by the
police.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Only on the basis of confessional statement of Md. Mustak and Md. Sonnu @ Md. Jaffar, the petitioner has been made accused in this case. Nothing has been recovered either from the possession of the petitioner or from his house. Petitioner has no concern with the seized articles. No T.I.P. has been conducted till date. Learned counsel for the petitioner further submitted that co-accused Md. Mustak and Md. Sonnu @ Md. Jafar have already been granted bail *vide* order dated 27.09.2019 and 15.04.2019 passed by different co-ordinate Bench of this court in Criminal Miscellaneous No. 23107 of 2019 and Criminal Miscellaneous No.14589 of 2019 respectively. Lastly, it has been submitted that the petitioner is in custody since 23.12.2023 having one criminal case against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 195 of 2018.

(Khatim Reza, J)

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