

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44123 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Baiju Kumar @ Baiju Mahto aged about 24 years male son of Hare Ram
Singh alias Hare Ram Mahto, R/O village-Gospur P.S.-Dalsinghsarai District-
Samstipur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2024 Heard Mr. Sabal Kumar Jha, learned counsel for the

petitioner and Mr. Aditya Narayan Singh.1, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
19.03.2024 in connection with Mohuuddin nagar P.S. Case No.
338 of 2023, F.I.R. dated 11.12.2023 registered for the offence
punishable under Section 395 of IPC .

3. The FIR of the occurrence of dacoity is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The petitioner is not named in the FIR. The name
of the petitioner has been transpired during investigation on the
basis of confessional statement of co-accused person, namely,



Subodh Kumar and except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.03.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that co-accused person, namely, Subodh Kumar has taken the name of the petitioner and some looted amount has been recovered from possession of co-accused person and apart from that, the petitioner carries nine more cases other than the present one but he fairly submits that out of nine cases, the petitioner is on bail in the six cases, and rest three cases are pending for consideration, as mentioned in para-2 of the supplementary affidavit.

6. Considering the aforesaid fact, petitioner is not named in the FIR and name of the petitioner has been transpired on the basis of confessional statement of co-accused person, let the petitioner, above named, 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 learned J.M. 1st Class-



cum-Additional Munsif, Samastipur in connection with Mohuuddin Nagar P.S. Case No. 338 of 2023, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-Harshita

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