

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52269 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- BARAULI District- Gopalganj

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MOHAN MAHTO @ MOHAN MAHATO S/O VINDA MAHTO R/O
VILLAGE- SARFARA, P.S- BARAULI, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barauli
P.S. Case No. 288 of 2023 instituted for the offences under
Sections 457, 380 of the Indian Penal Code.

3. Prosecution case, in short, is that four unknown
miscreants entered the house of the informant and committed
theft of cash and ornaments and fled away by the Scorpio
vehicle.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Rahul Kumar @ Mahendra Kumar @ Nanhaki. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel further submitted that petitioner has got no concern with the stolen articles or the vehicle used in the alleged occurrence. Charge-sheet has been submitted in this case. The co-accused person has already been granted bail by this Bench vide order dated 05.04.2024 passed in Cr. Misc. No. 25438 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.12.2023 and has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Barauli P.S. Case No. 288 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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