

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61234 of 2024**

Arising Out of PS. Case No.-65 Year-2018 Thana- ASANWA District- Siwan

Birendra Mahto @ Lampatwa S/o- Late Sri Ram Mahto Resident of village-  
Kishunbari, PS- Siswan (Chainpur OP) Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 62097 of 2024**

Arising Out of PS. Case No.-65 Year-2018 Thana- ASANWA District- Siwan

Ishwar Yadav S/o- Suraj Deo Yadav Resident of village- Kishunbari P.S-  
Siswan (Chainpur OP) Dist- siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 61234 of 2024)  
For the Petitioner/s : Mr.Kumari Anupam, Adv.  
For the Opposite Party/s : Mr.Narsingh Tanti, APP  
(In CRIMINAL MISCELLANEOUS No. 62097 of 2024)  
For the Petitioner/s : Mr.Kumari Anupam, Adv.  
For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      06-12-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners have preferred this application for  
grant of regular bail in connection with Assaon P.S. Case No. 65  
of 2018 dated 10.06.2018 registered for the offences punishable  
u/s 395 of the Indian Penal Code.



3. As per the prosecution case, 8 to 10 unknown miscreants are alleged to have committed loot of Rs. 1,00,000/- from the informant on the point of rifle.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners has sprung up in the confessional statement of the co-accused, Fulena Yadav. Nothing has been recovered from the conscious possession of the petitioners. No T.I.P. has been conducted by the prosecution. The co-accused person has already been granted regular bail by this court vide order dated 26.10.2024 passed in Cr. Misc. No. 58938 of 2024. The petitioner Birendra Mahto has seven criminal antecedents whereas the petitioner Iswar Yadav has four criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 16.06.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned Court concerned, Siwan in connection with Assaon P.S.  
Case No. 65 of 2018 with the condition :-

*(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.*

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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