

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77701 of 2024

Arising Out of PS. Case No.-578 Year-2024 Thana- SONEPUR District- Saran

Ashok Kumar Mahto @ Ashok Kr. Mahto S/O Shiv Shankar Mehto @ Shiv Shankar Mahto R/O Village- Keota, Ward No. 10, P.O and P.S- Dalsingsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranab Kumar, Advocate
For the State : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Sonapur P.S. Case No. 578 of 2024 for the offences punishable under Sections 318(4), 319(2), 336(2)(3), 337, 338, 339, 340(2) and 341(1) of the Bharatiya Nyaya Sanhita, lodged on 08.07.2024 by the informant, Vinay Kumar.

3. As per the prosecution story, the informant alleged that in coast of the seized vehicle when the documents relating to the release of the Truck was brought forward, upon verification and query from the court of learned Chief Judicial Magistrate, Saran at Chapra, the reply came in negative, all the accused persons including the petitioner were taken into custody which followed the F.I.R.



4. Learned counsel for the petitioner submits that he had no role to play in the matter, he had gone to the place along with the other accused persons, little realizing that they have gone along with fake papers for which he has already been in custody since 09.07.2024 (paragraph no.1 of the petition). Further, without accepting allegation and/or the outcome of the present petition, learned counsel for the petitioner submit he is ready to pay Rs.10,000/- to the Chief Minister's Relief Fund.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions put forward by the parties as also the fact that he has remained in custody since 09.07.2024 and will ultimately be facing the trial, charge sheet already stands submitted, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the Chief Minister's Relief Fund and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonapur P.S.



Case No. 578 of 2024, 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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