

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4891 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Ashok Mahto @ Ashok Kumar Mahto, Son of Timal Mahto, Resident of
Village - Barbatta, Police Station - Sonpur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate.
For the State : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Chapra Muffasil P.S. Case No. 439 of 2024 dated
21.07.2024, registered for the offences punishable under
Sections 305(a) and 331(4) of B.N.S. Act.

3. As per allegation, some unknown persons have
stolen the household property of the informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner was no way
involved in the alleged offence. His name has transpired
only in the confessional statement of co-accused made



before the Police which is no evidentiary value. Hence, there is no justification for curtailing the liberty of the petitioner in the present case despite having some criminal antecedents. He also submits that similarly situated co-accused Ranjeet Kumar @ Ranjeet Mahto @ Bhim @ Bheem has been enlarged on regular bail by a co-ordinate Bench of this Court vide order dated 05.02.2025 passed in Cr. Misc. 3513 of 2025.

5. He further submits that the petitioner has been languishing in jail since 13.09.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in seven other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the the fact that there is no material except the confessional statement of co-accused against the petitioner, **this application is allowed**, directing the



petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Chapra Muffasil P.S. Case No. 439 of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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