

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17364 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

- =====
1. Sarman Mahto Son of Ashok Mahto resident of Village Tin Pahar Nicha tola ,P.s Raj Mahal, District Sahebganj, (Jharkhand)
 2. Sanjay Mahto Son of Gaya Mahto resident of Village Babupur, P.s Raj Mahal, District- sahebganj(Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. T.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 08-05-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

On getting confidential information with regard to the presence of a gang having indulged in stealing/selling of mobiles, one person was apprehended, who disclosed his identity as Rabi Chandra Das and from his possession six mobile sets were seized. On his confessional statement, house of Murlidhar Prasad was raided from where petitioners along with six more persons were apprehended and on search 18 mobile sets were recovered.

It has been submitted on behalf of the petitioners that nothing has been recovered from their conscious possession nor there happens to be, prima facie, material on the record to

suggest that the petitioners were knowing since before regarding the presence of aforesaid 18 mobile sets being stolen one. It is also submitted that the petitioners happen to be under custody since 08.02.2015. On the other hand, learned Additional Public Prosecutor opposed the prayer.

Accordingly, petitioners Sarman Mahto and Sanjay Mahto are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Siwan Mufassil P.S. Case No. 51 of 2015. However, it is made clear that before acceptance of bail bond, the learned lower court will ascertain the identity of the respective bailors along with properties given in surety for having presence of the petitioners till conclusion of the trial.

(Aditya Kumar Trivedi, J)

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