

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3479 of 2019

Arising Out of PS. Case No.-637 Year-2017 Thana- CHAPRA TOWN District- Saran

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Birendra Kumar Mahto @ Birendra Mahto, aged about 22 years, Male, son of
Vigu Mahato @ Vigu Mahto, Resident of Village - Chand Parsa, P.S.
Keshariya, district Purvi Champaran (Motihari) ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the Opposite Party : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 05.03.2018 in Cr. Misc. No. 12220 of 2018. The petitioner is languishing in judicial custody since 20.12.2017 in connection with Tr. No. 2124 of 2018 arising out of Chapra P.S. Case No. 637 of 2017 for the offence alleged under Section 414 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is that on checking duty, they apprehended petitioner in a motorcycle, who did not produce any papers regarding ownership of the said motorcycle. The allegation is that the petitioner was in possession of stolen motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that charges have already been framed and the allegation under Section 414 of the Indian Penal Code is not made out against the petitioner. He, further, submits that the petitioner has been languishing in judicial custody since more than one year and trial has not made much headway. He undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Tr. No. 2124 of 2018 arising out of Chapra P.S. Case No. 637 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, XIII, Saran at Chapra, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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