

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14389 of 2019**

Arising Out of PS. Case No.-372 Year-2018 Thana- MAJHAULIA District-
West Champaran

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Shiv Shankar Mahto aged about 58 years, male, Son of Late Jagarnath Mahto, Resident of Village-Bagahi Baghamberpur, P.S.-Shrinagar Pujahan, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 414 of the Indian Penal Code registered in connection with Majhaulia P.S. Case No. 372 of 2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the *Gur (Mitha)* in question was loaded on the vehicle of which the petitioner is the registered owner. It is submitted that co-accused Deonath Sah had hired the vehicle for loading the *Gur* which was being delivered to him and the petitioner has no concern with the same. The major part of the *Gur* in question was recovered from the house of Deonath Sah where it was being unloaded. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named



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, West Champaran, Bettiah in connection with Majhulia P.S. Case No. 372 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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