

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29299 of 2019**

Arising Out of PS. Case No.-144 Year-2018 Thana- TARAPUR District- Munger

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MITHUN KUMAR Son of Rambilash Mandal @ Awadhesh Mandal Resident
of Village - Siyadih (Dhanuk Tola), P.S.- Bath, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Yadav

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 13-05-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
17.12.2018 in connection with Tarapur P.S. Case No. 144 of
2018, G.R. No. 2783 of 2018 for offences punishable under
Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that he had parked his motorcycle near the Tarapur S.B.I.
Branch and on returning he found his motorcycle stolen.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has
been made accused on the basis of confessional statement of co-
accused Samrat Kumar @ Amarjeet. He submits that four
motorcycle recovered from the house where he along with his



father Rambilash Mandal live is a motorcycle mechanic workshop where the motorcycle had come for repairing and he did not know that they were stolen motorcycles. He submits that his father, the co-accused from whose house, four motorcycles were recovered has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 75568 of 2018 dated 18.12.2018 and that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is pending against him.

Considering the nature of allegations, the materials on record and that charge-sheet has already been submitted coupled with the fact that one of the co-accused on similar allegation has been granted the privilege of bail, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IVth Munger in connection with Tarapur P.S. Case No. 144 of 2018, G.R. No. 2783 of 2018, subject to the conditions:-



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

(2) The 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.

(3) 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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