

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65209 of 2019

Arising Out of PS. Case No.-276 Year-2018 Thana- CHANPATIA District- West Champaran

1. LALAN MAHTO Son of Late Jagdish Mahto Resident of Village - Shripur, Bathwalia, P.S.- Sugauli, Distt.- East Champaran.
2. Mukesh Mahto Son of Harendra Mahto Resident of Village - Sarswaghat, P.S.- Chairaiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chanpatiya Police Station Case No.276 of 2019, disclosing offences under Sections 457 and 380 of the Indian Penal Code.

The prosecution story as per First Information Report is that some unknown persons had committed theft in the house of the informant and took away mobile phone and other household articles.

Learned counsel for the petitioners submits that petitioners are not named in the First Information Report.



However, during course of investigation sim cards of the petitioners were found inserted into stolen mobile phone from the house of the informant. Learned counsel referring to para 8 of this application submits that the said mobile was purchased from a scrap dealer. This fact has also come during course of investigation in paragraph Nos.39, 40 and 41 of the case diary. Learned counsel further submits that petitioners have got no criminal antecedents and petitioners are ready to co-operate with the Police investigation and are ready to surrender before the Police, as and when required.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioners have got no criminal antecedents and the justification by the petitioners that they have purchased the stolen mobile from a scrap dealer has also come during course of investigation and the petitioners have given undertaking to co-operate with the investigation, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, namely, Lalan Mahto and Mukesh Mahto, in the event of their arrest or surrender before the court below within four weeks, be released on bail on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bettiah, West Champaran in connection with Chanpatiya Police Station Case No.276 of 2019, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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