

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83452 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- MADHEPUR District- Madhubani

Sanjay Kumar Mahto @ Sanjay Kumar Son of Bhagwat Mahto Resident of
Village- Babujeeban, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto

For the Opposite Party/s : Ms.Puspa Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-12-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections
461 and 379 of the IPC.

Having no criminal antecedent, it is submitted that
petitioner is in custody since 12.09.2019.

Allegation in the F.I.R is that shop was broken into in
the night and articles had been stolen. Even as per allegation in
the F.I.R, there is no witness to the occurrence.

Counsel for the petitioner submits that the petitioner is
a *bonafide* distributor and as such recovery of articles made
from his possession cannot be linked with the alleged
occurrence.

Learned A.P.P. opposes the prayer for bail.



Other than confessional statement of the petitioner, there is nothing on record to implicate him in the alleged occurrence.

Considering the aforesaid submissions, prayer for bail is allowed.

Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Jhanjharpur District Darbhanga in Madhepur P.S. Case no. 138/2019 subject to the following conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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