

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28953 of 2020**

Arising Out of PS. Case No.-55 Year-2020 Thana- KORHA District- Katihar

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Vimal Kumar Mehta, Son of Jitendra Mehta @ Jalim Mehta, Resident of  
Village - Nakkipur, P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      09-11-2020                      Since as of now the Courts have not resumed  
  
normal physical hearing, the matter has been listed today  
  
for consideration through video conferencing.

The learned counsels are appearing and making  
submissions from their residence.The Court Master and  
Secretary are also part of this virtual Court proceedings  
from their homes, all with the aid of audio visual  
technology.

Mr. Lakshmi Kant Sharma, learned APP is  
appearing for the State as it is submitted that the brief has  
been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with



Korha P.S. Case No.55 of 2020 registered for the offence punishable under Section 379 of the Indian Penal Code, in which subsequently Section 411 of the I.P.C. has also been added.

Two motorcycles are said to have been stolen on the fateful night. In course of investigation, the petitioner has been implicated on the premise that one of the motorcycles has been recovered from his house as per disclosure in the confessional statement of co-accused Ravi Kumar.

Petitioner's counsel submits that it is a case of false implication. Ravi Kumar, in fact, was responsible and recovery is also as per his disclosure, however, he has been allowed bail on 05.06.2020 by the Chief Judicial Magistrate, Katihar (Annexure 2). The petitioner is in custody since 16.02.2020 and he is on bail in the earlier case pending against him arising out of Katihar Town (Sahayak) P.S. Case No.112 of 2017.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.



Accordingly, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No.55 of 2020, subject to the following conditions:

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

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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