

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69473 of 2019

Arising Out of PS. Case No.-11 Year-2017 Thana- PHENHARA District- East Champaran

SURAJ KUMAR MAHTO @ SURAJ MAHTO Son of Ram Vinay Mahto
Resident of Village-Pipra Karimdad, P.S.-Phenhara, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 379 of the I.P.C.

The prosecution case as per the written report of Tribhuvan Kumar submitted before the Phenhara Police Station is to the effect that on 05.03.2017, theft of the motorcycle of the informant's motorcycle was committed, leading to registration of the FIR against unknown. Subsequently, the motorcycle was recovered from the hutment of the petitioner.

It is submitted by learned counsel for the petitioner that the



hutment was abandoned and which is situated in an open area. The petitioner is languishing in custody since 21.12.2017 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in two other cases, but he is on bail in both the cases.

Learned APP for the State submits that the recovery of stolen motorcycle has been made from the hutment of the petitioner.

Considering the nature of accusation and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Motihari, East Champaran, in connection with Phenara P.S. Case No.11 of 2017.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran, in connection with Phenara P.S. Case No.11 of 2017.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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