

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24148 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Mukesh Mahto S/o Sukhan Mahto Resident of Village- Singhiya Hiban, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 128 of 2022, registered for the offences
punishable under Sections 414 and 34 of the Indian Penal
Code.

As per the prosecution case, emerging from the
F.I.R., the accused-petitioner along with co-accused, namely,
Rakesh Kumar were arrested for allegedly stealing two
mobiles.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case and this is a case of plantation by the Police. He also submits that another co-accused, namely, Rakesh Kumar has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 04.08.2022, passed in Cr. Misc. No. 23501 of 2022. He further submits that petitioner has been languishing in jail since 21.02.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in one more case, namely, Turkauliya P.S. Case No. 769 of 2018.

However, the learned APP for the State opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case



No. 128 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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