

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26700 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

=====

Vijay Mahto, Son of Late Bhagelu Mahto, R/O Village- Pakari, P.S.-
Dumariaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Dumariyaghat P.S. Case No. 12 of 2022
registered for the offence punishable under Sections 414, 420,
467, 468, 379/34 of the India Penal Code. Later on, Section
120(B) of the India Penal Code was added.

As per prosecution case, it is alleged that six F.I.R.
named accused persons after committing theft of a truck laden



with sugar bag brought in the village and were trying to sell it to other traders. The police conducted raid and different number of bags of sugar were recovered from various persons including this petitioner and on search being made total 170 bags of Sugar was recovered from the shop/godown of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima facie from the FIR, it is evident that there is no allegation of theft of sugar bags against this petitioner, rather it is alleged that on search 170 bags of sugar was recovered from the godown of the petitioner. However, the said godown does not belong to the petitioner. It is also submitted that the truck, in question, does not belong to the petitioner, rather the same belongs to one Shashi Ranjan Singh, who happens to be the owner of the said truck. Further Maa Bhawani Enterprises entrusted the sugar bags to Om Transport Agency and the said agency allegedly sold and disposed the sugar bags with the help of his associates. It is also submitted that during the course of investigation, no material has come which suggests the complicity of the petitioner in connection with the theft of the sugar bags by hatching a conspiracy. It is lastly submitted that this petitioner is in custody since 20.01.2022.



On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent. In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the other co-accused persons, having identical allegation, have already been granted bail by this Court and the investigation of the crime is already completed and the charge-sheet has been submitted and this petitioner is in custody since 20.01.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Dumariyaghati P.S. Case No. 12 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain physically present on each and



every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

