

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27171 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- RAJEPUR District- East Champaran

Shivnath Mahto @ Shivnath Kumar Son Of Asharif Mahto R/O Village-
Madhuaha Brit, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None
For the Informant	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 None appears on call on behalf the petitioner. Mr. Anil Kumar, learned counsel appearing on behalf of the informant is present through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Rajepur P.S. Case No.131/2021 instituted under Sections 457, 380 of the IPC.

As per the allegation in the FIR, the informant gave a written application that on 27.07.2021, he closed his shop and went to his house. Next morning, when he opened the shop, the roof was broken and entire goods of his were stolen. It included number of new mobile phones of M.I. Company worth Rs.12,00,000/-.



In course of investigation, the police arrested Surendra Mahto and on his confession, the name of the petitioner cropped up and accordingly his home was raided and below his pillow one mobile phone was recovered/seized. Accordingly, he came into judicial custody and is in jail since 22.02.2022.

As per the averment made in the bail application, he do not have any criminal antecedent, belongs to a very poor family and has been implicated in this case on the behest of those inimical to him.

Learned counsel for the informant opposes the prayer for bail stating that the due to said theft, he has also become a pauper.

Considering the fact that the petitioner is in custody since 22.02.2022, has no criminal antecedent and charge sheet stands submitted, this Court is inclined to grant him privilege of bail after framing of charges.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rajepur P.S. Case No.131/2021 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East



Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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