

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42337 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- JOGAPATTI District- West Champaran

Lalbabu Mahto @ Bhuar Son of Late Fagu Mahto Resident of Village - Garbhua Lala Tola, Police Station - Chanpatia (Sirisiya O.P.) , District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Pradeep Narain Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Yogapatti P.S. Case No. 38 of 2021 registered for the offences punishable under Section 379, 411 of the Indian Penal Code. He is in custody since 30.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 29.01.2021 at 4:00 p.m. he had parked his motorcycle in front of the shop of Suraj Kumar and had gone for taking photostat of some papers, when he returned he did not find his



motorcycle. The informant saw a person who was fleeing away along with his motorcycle, thereafter with the help of villagers that person was apprehended and disclosed his name as Lalbabu Mahto @ Bhuar (petitioner).

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is general and omnibus allegation leveled against the petitioner, however he is in custody in connection with this case since 30.01.2021 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that in connection with the present case the petitioner who has otherwise no criminal antecedent has remained in custody for over one year and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District – West Champaran in connection with Yogapatti P.S. Case No. 38 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

