

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34451 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- MAJHAULIA District- West Champaran

Rohit Mahato, S/o Manoj Mahto, Resident of Village- Garbhua Lala Tola,
P.S.- Sirisiya O.P., District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bail Petition No. 4289 of 2021 arising out of Majhauilya P.S. Case No. 81 of 2021 registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, while the informant was urinating besides the road after parking his bike, three motorcycle borne thieves took away the motorcycle of the informant. The name of the petitioner surfaced during investigation as one of the accused persons.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his conscious possession. The name of the petitioner transpired in the confessional statement of co-accused Gulshan Kumar. No Test Identification Parade has been carried out. The petitioner has been made co-accused only on the basis of his criminal history as he is accused in seven cases but he is on bail in all such cases. The petitioner is in custody since 24.06.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and he is a member of gang which has been committing theft of motorcycle from all over Bihar.

Having regard to the submissions made on behalf of the parties and considering the period of custody of this petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bail Petition No. 4289 of 2021 arising out of



Majhauriya P.S. Case No. 81 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Sanoj Mahato, uncle of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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