

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37642 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Amarjeet Mahto @ Amarjeet Kumar Mahto, Son of Late Sitaram Mahto
Resident of village - Belsandi Tara, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 60 of 2022, lodged under Sections
461, 379 & 411 of the Indian Penal Code.

As per the prosecution case, the allegation of theft has
taken place in the Mobile shop of informant.

Learned counsel for the petitioner submits that the
present F.I.R. has been filed against unknown, name of
petitioner has figured in this case by virtue of confessional
statement of co-accused. He further submits that in the F.I.R. the
list of materials subject to theft was mentioned by the owner of

shop/ informant. He further submits that when petitioner was arrested, then a seizure list was prepared and the recovered material has also been mentioned in the said seizure list which is at page no.12 and 13 of the petition. Learned counsel for the petitioner categorically and specifically mentioned that the list which is subject to theft and the list which is subject to recovery are completely mismatched, not a single item is matching and, therefore, the allegation of theft against the present petitioner is not correct. Learned counsel for the petitioner further submits that petitioner is in custody since 11.04.2022, having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, District Samastipur in connection with Bibhutipur P.S. Case No. 60 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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