

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41098 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Lalan Mahto Sonof Mahanth mahto Resident of Village - Garabhuwa Lala
Tola, P.S.- Sirisiya O.P., District - West champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bettiah (Town) P.S. Case No. 96 of 2021
registered for the alleged offences under Sections 413 and 414
of the Indian Penal Code and Sections 25(1-b)a/ 26 of the Arms
Act.

As per prosecution case, police received secret
information about two suspicious looting character making
preparation to commit some offence and they were on a
unnumbered motorcycle. Police reached the place and found



one of them trying to steal another motorcycle. Both of them were apprehended and from their possession loaded country made pistol, with one live cartridge and master keys were recovered. The apprehended persons disclosed the name of some other co-accused persons and a raid was conducted on their house and recovery of some stolen motorcycle were made. These apprehended co-accused persons also named this petitioner for being their accomplice in the crime.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case in the confessional statement of apprehended co-accused persons but nothing incriminating has been recovered from the possession of this petitioner. Learned counsel further submits that other co-accused persons from whose possession recovery has been made have been granted bail by different Coordinate Benches passed in Cr. Misc. No. 43391 of 2021, Cr. Misc. No. 68590 of 2021 and Cr. Misc. No. 39213 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 19.04.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual



offender and he is accused in a number of cases.

Having regard to the submission made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge sheet against him and also considering the fact that he was not apprehended from the spot and no recovery has been shown from him as stated, 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, West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No. 96 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 a close relative of the petitioner.
- (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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