

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44284 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- AKHODHIGOLA District- Rohtas

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Mukesh Kumar Mahto @ Mukesh Kumar @ Mahto, Son of Manoj Singh,
Resident of Village - Lalganj, Ward No.- 5, P.S.- Sasaram (M), District -
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the State : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, 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 Akorhigola P.S. Case No. 49 of 2022 registered
for the alleged offences under Sections 457 and 380 of the
Indian Penal Code.

As per prosecution case, unknown thieves committed
theft of 250 Kg of copper wire from the godown of the
employer of the informant. The name of the petitioner transpired
as one of the thieves during investigation.

Learned counsel for the petitioner submits that

petitioner is not named in the F.I.R. and nothing incriminating has been recovered from the possession of the petitioner. The petitioner has been named in this case on the basis of confessional statement of co-accused Ritesh Kumar from whom the recovery of stolen copper wire was made and this co-accused has been granted bail by a Coordinate Bench vide order dated 10.10.2022 passed in Cr. Misc. No. 39819 of 2022. Another co-accused Anil Singh has been granted anticipatory bail by a Coordinate Bench vide order dated 11.11.2022 passed in Cr. Misc. No. 42339 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 14.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Additional Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Akorhigola P.S. Case No. 49 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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