

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48061 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- RUDRAPUR District- Madhubani

Umesh Mahto Son of Late Kusheshwar Mahto, Resident of Village - Hariyari,
P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-12-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Rudrapur P.S. Case No. 36 of 2022 (corresponding to G.R. No.
423 of 2022), lodged under Section 379 of Indian Penal Code.

As per prosecution case, the informant has disclosed
that in the night of 10.03.2022 a Mobile, two sims, Rs.1,000/-
and some clothes were subject to theft. Informant disclosed that
in the morning he received information that unknown thief has
also committed theft in a nearby place of the informant's house.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that petitioner is not named in the F.I.R., his name has come by virtue of recovery of Mobile which is subject to theft from the possession of daughter of petitioner. He also submits that petitioner is in custody since 01.04.2022, there are 3 cases pending against him, in which he is on bail in all the cases. He further submits that offence of Section 379 of I.P.C. is magisterial triable and petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him.

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 Judicial Magistrate 1st Class, Jhanjharpur, District Madhubani in connection with Rudrapur P.S. Case No. 36 of 2022 (corresponding to G.R. No. 423 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 an 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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