

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60368 of 2021**

Arising Out of PS. Case No.-278 Year-2020 Thana- CHAPRA TOWN District- Saran

BIRU MAHTO @ VIRU MAHTO @ BIRU KUMAR Son of Vishwakama
Mahto @ Vishwakarma Singh Resident of Mohalla - Bichla Tola, Telpa, P.S.-
Chapra Town, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Adv

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Chapra Town P.S.Case No.278 of 2020 registered for the offence under Section 379 of the Indian Penal Code.

The prosecution case, in short, is that the informant, Sushil Kumar Yadav, who is Branch Manager of Central Bank of India, Ekma Branch, has filed this case against unknown thief alleging that on 15.05.2019 he had come to Chapra main Branch and after parking his motorcycle beneath Central Bank of India,



Hathwa Market, he went in the Bank. Around 2.00 P.M. after completing his work, when he came out of the Bank, then he found that his motorcycle is not there. He searched his motorcycle but could not find any trace of the same.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of the confessional statement of co-accused, namely, Vicky Kumar Gupta. He further submits that nothing has been recovered from conscious possession of the petitioner. Till date no T.I. Parade has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S.Case No.278 of 2020 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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