

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58618 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- BIHTA District- Patna

1. Vishun Dev Rai Son of Nathun Rai R/V- Mustafapur, P.S- Bihta, Dist- Patna
2. Balu Mahto @ Chalu Mahto @ Dharmendra Mahto Son of Sahendra Mahto R/V- Mustafapur, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 506, 34, 411 of the Indian Penal Code

As per prosecution case, in short, is that in the year 2020-21 under the Namami Gange Project, bamboo trees were planted from Rampur to Katesher, which bamboo trees were cut and stolen by anti social elements. On 03.01.2022, a police raid was conducted in the house of suspected persons and from the house of accused petitioners large number of bamboos were recovered.

Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. that the petitioners have theft the bamboo of the Forest Department as per the seizure list 115 pieces of bamboo gabion recovered from the petitioner no. 1 and 40 pieces of bamboo gabion (cage) recovered from the petitioner no. 2. Learned counsel for the petitioners further submits that in fact nothing stolen articles were recovered from the house of the petitioners rather small pieces of bamboo which were stored for cooking meal were recovered from the house of the petitioners and no case is made out as alleged in the F.I.R. against the petitioners.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihta P.S. Case No. 08 of 2022, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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.

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(Rajesh Kumar Verma, J)

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