

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4085 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- PARIHAR District- Sitamarhi

=====

HEM PRASAD MAHTO S/o Bramhdeo Mahto R/v- Vrijilpura, P.S.- Hathilet,
District- Mahotaru (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.06.2022 in connection with Parihar P.S. Case No. 68/2022,
F.I.R. dated 31.03.2022, for the offences punishable under
Sections 461 and 379 of the Indian Penal Code.

According to prosecution case, the motorcycle of the
informant is alleged to have been stolen by some unknown
miscreant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. The name of the petitioner has been transpired
during investigation. He further submits that the petitioner was



remanded in the present case from Parihar P.S. Case No. 69/2022. He further submits that nothing has been recovered from conscious possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner. Thereafter charge has also been framed in this case. The petitioner is in custody since 17.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carried one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Sitamarhi, in connection with Parihar P.S. Case No. 68/2022, subject to the following conditions:-

1. One of the bailers should be the deponent of the present petition, namely, Ram Kishore Mahto, who is father-in-law of the petitioner.

2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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)

amit/-

U		T	
---	--	---	--

