

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12238 of 2023**

Arising Out of PS. Case No.-1222 Year-2022 Thana- KHAJANCHI HAT District- Purnia

RAVINDRA MAHALDAR Son of Sri Gopal Mahaldar R/v- Sadhhuvaili,  
Ward No. 4, P.S.- Kasba, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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

2      09-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
15.11.2022 in connection with K. Hat Madhubani P.S. Case No.  
1222 of 2022, F.I.R. dated 14.11.2022 for the offences  
punishable under Sections 401, 411, 413, 414, 379 of the Indian  
Penal Code.

According to prosecution case, as per F.I.R. is that the  
petitioner along with other co-accused persons were  
apprehended with stolen motorcycles.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. He further submits that it appears from the F.I.R.  
that all together three motorcycles have been recovered from the



possession of the four accused persons including the petitioner and there is no specific allegation against whom the motorcycle was recovered rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that similarly situated, co-accused, namely, Resham Rishi has been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 15642 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one but fairly submits that petitioner is on bail in Baisi P.S. Case No. 191 of 2021 as mentioned in Para-3 of the bail petition.

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 Chief



Judicial Magistrate, Purnea in connection with K. Hat  
Madhubani P.S. Case No. 1222 of 2022, G.R. Case No. 5736 of  
2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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