

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33944 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- HARSIDHI District- East Champaran

SANTOSH KUMAR @ SANTOSH MAHTO Son of Hiralal Mahto Resident
of village - Dhankharaiya, P.S. - Harsiddhi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyam Sundar Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Harsiddhi P.S. Case No.509 of 2022 instituted under
Sections 413, 414 of the Indian Penal Code lodged on
16.10.2022 by the informant Jwala Kumar Singh.

As per the FIR, when the informant was doing day
patrolling along with other police personnel, at about 1.30 P.M.,
saw a black colored Super Splendor motorcycle moving
speedily from Chhapwa with two persons on it. On interception,
while one person was apprehended, the other escaped by
jumping into water. Although nothing was recovered from the



body of the arrested person, one black colored Splendor motorcycle, was recovered from the possession of the Shambhu Mahton without any valid document was presented. He named this petitioner as the person who escaped. Accordingly, the FIR.

Learned counsel for the petitioner submits that the motorcycle was recovered from the possession of the co-accused, he is a student of Government Gandhi Higher Secondary School, Harsiddhi, East Champaran and due to being implicated /arrested in the case, failed to appear in the Intermediate examination. The last submission is that similar situate person Shambhu Mahto has since been enlarged on bail in Cr. Misc. No.73728 of 2022 (Annexure-2 to the petition).

Learned APP opposes the prayer.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also that he is in custody since 01.02.2023, FIR having been lodged ultimately will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Harsiddhi P.S. Case No.509 of 2022 to the satisfaction of learned Judicial



Magistrate, Ist Class, Motihari, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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