

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40369 of 2023

Arising Out of PS. Case No.-558 Year-2022 Thana- BARAUNI District- Begusarai

RISHI KUMAR @ CHULLU @ CHULLU MAHTO @ DULLU MAHTON
Son of Binay Mahto @ Vinay Mahto Resident of village-Chhoti Ballia, Upar
Tola, Ward No. 4, Karpuri Sthan, (Karpuri Chowk), P.S. Ballia, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Barauni P.S. Case No. 558 of 2022 initially registered for the
offence punishable under Section 379 of the Indian Penal Code
and later on Section 411 of the IPC has been added.

3. As per prosecution case, on 28.11.2022 the
informant parked his motorcycle at Thakurbadi and when he
returned he did not find his motorcycle. Hence, FIR has been
registered against unknown.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced in this case during course of investigation. He further



submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that stolen motorcycle was not recovered from possession of the petitioner. Only mobile phone and master key were recovered from possession of the petitioner which were not stolen article. Petitioner is in custody since 01.12.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Barauni P.S. Case No. 558 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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