

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49446 of 2023

Arising Out of PS. Case No.-608 Year-2022 Thana- BAGHA District- West Champaran

Kanhaiya Mahto Son Of Sh. Gaya Mahto R/O-Bahuarwa, P.S.-
SHANICHARI (O.P), Distt.-WEST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
23.01.2023 in connection with Bagaha (Patkhauli) P.S. Case No.
608 of 2022, F.I.R. dated 01.09.2022 for the offences punishable
under Section 379 of the Indian Penal Code.

4. According to prosecution case, the motorcycle of
the informant which was parked near old Tel Tanki was stolen
by some unknown miscreants.

5. 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. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Dilip Kumar and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that after the present case, the petitioner has been implicated in all the 10 cases which was mentioned in the paragraph 3 of the bail petition. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries ten criminal antecedents other than the present one.

7. 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 Additional Chief Judicial Magistrate 1, Bagaha, West



Champaran in connection with Bagaha(Patkhauli) P.S. Case No. 608 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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