

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49938 of 2023**

Arising Out of PS. Case No.-621 Year-2022 Thana- BAGHA District- West Champaran

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KANHAIYA MAHTO SON OF SH. GAYA MAHTO RESIDENT OF  
VILLAGE- BAHUARWA, PS- SHANICHARI (OP), 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. Arun Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      18-08-2023                      Heard the parties.

The petitioner is in custody in connection with Bagaha (Patkhauri) P.S. Case No. 621 of 2022 for the offence under section 379 of the Indian Penal Code lodged on 07.09.2022 by the informant, Raja Yadav.

As per the prosecution story, the informant parked his motorcycle outside the Sub-Jail, Bagaha and went to the Court for some work and upon return, found the said motorcycle missing. Accordingly, the F.I.R.

It is the case of the petitioner that the petitioner is running a hotel where the accused persons alleged to have come for their breakfast and which was confessed by them to the Police which led to arrest him only on the ground of suspicion,



has already suffered by being in custody since 16.01.2023 ( as stated in paragraph 12 of the petition).

Learned APP opposes the prayer for bail stating that he has eleven criminal cases of the same nature.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that he has remained in custody since 16.01.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran, in connection with Bagaha (Patkhauli) P.S. Case No. 621 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 month till the conclusion of the trial to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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