

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51956 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- JANDAHA District- Vaishali

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RAKESH MAHTO @ RAKESH KUMAR @ DABAL ZERO SON OF SITA
RLAM MAHTO R/O VILLAGE- HASANPUR SURAT PATORY, P.S.-
PATORY, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Jandaha P.S. Case No. 162 of 2021 registered for the offence punishable under Section 379 of the Indian Penal Code.

As per the prosecution, the informant alleged that his motorcycle was stolen away from the alleged place by some unknown persons.

The main submissions advanced by the learned counsel Mr. Manish Chandra Gandhi for the petitioner are that the FIR was lodged against unknown persons, the petitioner was arrested in connection with another criminal case along with



other co-accused persons but the alleged stolen motorcycle was recovered from co-accused Mantu Kumar and not from the possession of the petitioner and in the instant matter the maximum punishment of imprisonment for the alleged offence of the FIR is three years and the petitioner has completed half period of the said punishment as he has been languishing in jail since 09.09.2021.

Learned APP Mr. Parmanand Prasad appearing for the State has opposed the bail prayer.

Considering the above submissions as well as petitioner's custody period in the present matter and also the fact that the alleged offence is triable by Judicial Magistrate of First Class and the alleged motorcycle was recovered from the possession of co-accused as per the above submission, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Jandaha P.S. Case No. 162 of 2021.

(Shailendra Singh, J)

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