

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56877 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- MAHUA District- Vaishali

1. RAHUL KUMAR GIRI @ RAHUL KUMAR S/O MUKESH GIRI
RESIDENT OF VILLAGE- BHARHOPUR MATHIYA, P.S- EAKMA,
DISTT.- SARAN.
2. CHITRANJAN KUMAR GIRI @ CHIKU @ RANJAN S/O LATE LALAN
GIRI RESIDENT OF VILLAGE- BHARHOPUR MATHIYA, P.S-
EAKMA, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Mahua P.S. Case NO. 344 of 2023 registered under Sections 461 and 379 of the Indian Penal Code and later on Sections 411, 413 and 414 of the Indian Penal Code is added lodged on 08.06.2023 by the informant, Om Shankar Kumar.

As per the prosecution story, the allegation is that the informant who runs a mobile shop at Gandhi Chowk Mahua found theft has been committed and the mobile phone, Laptop worth Rs. Twenty to twenty one lakhs was stolen. Accordingly, the FIR.



Subsequently, during the investigation, an accused, namely, Suraj Kumar Manjhi was arrested, confessed and gave the name of both the petitioners and accordingly, they came in judicial net. The house was raided and the allegation is that some stolen mobiles recovered/seized.

It is the case of the petitioners that though the police has seized the mobiles but IMEI number does match with the list given by them.

Learned APP, on the other hand, submits that it is not the categorical statement of the petitioners that the mobile belongs to them and as such, it would be considered part of the stolen articles.

Considering the submissions put forward by the learned counsel for the parties, the petitioners are young boy, are in custody since 27.06.2023 (as stated in Paragraph-7 of the petition), it would be suffice that they will be released on bail after the framing of the charges.

Let the petitioners be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Mahua P.S. Case NO. 344 of 2023, subject to



the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their 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)

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