

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59272 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- MAHNAR District- Vaishali

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PRADEEP KUMAR S/O JAGALAL MAHTO @ SOMAN MAHTO R/O
VILLAGE- HUMAIYAN, PS. HALAI O.P, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 59400 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- MAHNAR District- Vaishali

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MANOJ KUMAR Son of Umesh Mahto R/o vill - Keshonarayanpur, Nagar
@ Nayar Dharampur, P.S. - Tajpur (Halai O.P.), Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 59272 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 59400 of 2023)

For the Petitioner/s : Mr.Shanti Bhushan Singh, APP

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023

Heard the parties.

2. The petitioners are in judicial custody in connection
with Mahnar P.S. Case No. 170 of 2023 for the offence
punishable under Sections 379, 413 and 414 of the Indian Penal
Code lodged on 12.6.2023 by the informant, Aarti Kumari.

3. As per the prosecution story, the police during



patrolling, on secret information, intercepted and apprehended accused Manoj Kumar (petitioner in Cr. Misc. No. 59400 of 2023) who disclosed the names of other co-accused. Upon search, master keys of the motorcycle and mobile was recovered/seized. Further, on his confession, Rahul Kumar and Subodh Kumar as also Govind Kumar and Pradeep Kumar (petitioner in Cr. Misc. No. 59272 of 2023), the police raided the house of Govind Kumar who escaped and three motorcycles recovered. Further, the petitioner, Pradeep Kumar's house was also raided and he was arrested and two motorcycles were recovered.

4. Accordingly, Mahnar P.S. Case No. 170 of 2023 was lodged.

5. It is the case of the petitioners that police implicated them in the case. Further, Pradeep Kumar do not have criminal antecedent, both of them are in custody since 13.6.2023.

6. Learned APP opposes the prayer stating that the petitioner Manoj Kumar was taken into custody, master keys recovered and further he has criminal antecedent.

7. Taking into account the submission put forward by the parties, though on the basis of confessional statement of



Manoj Kumar, the name of Pradeep Kumar has come, fact remains that there is recovery of motorcycles and no document has been provided, however, they are in custody since 13.6.2023, it would be appropriate that both of them are enlarged on bail after framing of the charges.

8. Let the petitioners be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 170 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 month for next one year to mark their 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 the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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