

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68035 of 2023

Arising Out of PS. Case No.-10 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Umesh Prasad Mahto S/O Murli Mahto R/O Village- Gangauli, Ps.
Bibhutipur, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Raja Ram Mishra, learned counsel for the

petitioner as well as Mr. Bharat Lal, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dalsingh Sarai P.s. Case No.10 of 2018 , F.I.R.
dated 15.01.2018 registered for the offence punishable under
Sections 379, 411, and 461 of the IPC.

3. The prosecution case, in short, is that twenty one
laptop and two external hard disk are said to have been stolen
from the Kaushal Vikas Kendra by some unknown miscreants
by breaking the lock of the centre and on the basis of the
confessional statement of co-accused namely Baiju Kumar, one
laptop of HP Company was recovered from the house of the
petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has been transpired in this case on the basis of the confessional statement of co-accused namely, Kundan Kumar. Further submits that from perusal of the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and except the confessional statement of the co-accused person no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and submissions of learned counsel for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Dalsingh Sarai in connection with Dalsingh Sarai P.S. Case



No.10 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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