

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70869 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- RAMNAGAR District- West Champaran

Kanhaiya Mahto, S/O Sh. Gaya Mahto R/O Bahuarwa, P.S- Shanichari (O.P),
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.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ramnagar P.S. Case No.469/2022, lodged on 03.10.2022 under
Section 379 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that he
has filed a supplementary affidavit stating therein that at the
time of filing of this case, there was only one criminal case
against him, but after the filing of this case, 18 more cases have
been lodged by the police whose details have been given in the
supplementary affidavit. However, out of 18 cases, in 10 cases,
he has been granted bail and in the rest cases, he is persuading
for bail. Learned counsel for the petitioner submits that the
petitioner is the victim of hot discussions with the local police.



He further submits that the offence against the petitioner in the present case has been levelled under Section 379 of the Indian Penal Code, which is triable by a Magistrate. Nothing incriminating has been recovered from the possession of the petitioner nor he was put on Test Identification Parade. The offence is triable by a Magistrate and the petitioner has been remanded in this case on 30.01.2023 and since then he is in custody.

4. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, West Champaran, in connection with Ramnagar P.S. Case No.469/2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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