

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68590 of 2023

Arising Out of PS. Case No.-523 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 19-10-2023 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. 523 of 2022, lodged on 03.11.2022
under Sections 379, 401 & 413 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against unknown accused persons.

4. Learned counsel for the petitioner submits that a
supplementary affidavit has been filed in this case and it has been
stated that there were seven criminal antecedents of the petitioner
at the time of filing the present petition about which the learned
counsel for the petitioner has been informed and later on, counsel
for the petitioner came to know that petitioner has more number
of antecedents, so he has filed the supplementary affidavit in this



case stating therein that the petitioner has 12 more cases and there are at present, total 19 cases pending against the petitioner.

5. Learned counsel for the petitioner submits that the name of the petitioner is not figured in the FIR. He submits that petitioner's name has been figured in this case only due to the hot talk started between the I.O. and the petitioner. And in result, the police has put the petitioner's name in total 19 criminal cases and most of them are of year 2022. Learned counsel for the petitioner submits that neither anything incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. He further submits that the petitioner is in custody since 21.01.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and there are series of cases pending against him.

7. 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 S.D.J.M, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 523 of 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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