

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76205 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Surendra Mahto Son Of Gharbharan Mahto Resident Of Village- Garbhuwa
Lala Tola, P.S.- Sirisiya O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Sanjeev Kumar Shrivastava, learned

counsel appearing on behalf of the petitioner and the learned

Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Town Kalibagh P.S. Case No. 348 of 2022,
registered for the offences punishable under Section 379 of the
Indian Penal Code.

3. Allegedly, when the informant came at his home by
parking his motorcycle by the side of his house, after sometime
he found that his bike was stolen by some unidentified person.

4. It is submitted on behalf of the petitioner that the
alleged motorcycle was recovered in front of the house of the
petitioner and taking note of the aforesaid fact, the petitioner has



been made accused in this case. He further submits that in fact on account of past criminal antecedent in four other criminal cases, the particulars of which has been mentioned in paragraph no. 3, the petitioner has been made accused in this case. He next submits that save and except the recovery of the motorcycle in front of the house of the petitioner, there is no material suggesting his complicity in the present crime. He next submits that the alleged recovery of motorcycle has been made from an open place, which was situated in front of the house of the petitioner and, as such, easily accessible to all and for that recovery the petitioner cannot be held responsible. There is no witness who has stated during the course of investigation that the motorcycle was being used by the petitioner.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that apart from the criminal antecedent of the petitioner in four other cases, the alleged recovery has been made in front of the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the recovery shown to be made in front of the house of the petitioner, there is no other material suggesting his



complicity in the present crime and, moreover, for the alleged recovery of motorcycle along with illicit liquor, two separate FIR has been instituted, wherein, in both the cases the petitioner has been made accused, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town Kalibagh P.S. Case No. 348 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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