

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73728 of 2022

Arising Out of PS. Case No.-509 Year-2022 Thana- HARSIDHI District- East Champaran

SHAMBHU MAHTO Son of Kishun Mahto R/V- Dhankharaiya, PS-
Harsidhi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Harsidhi P.S. Case No. 509 of 2022 instituted under Sections 413 and 414 of the Indian Penal Code lodged on 16.10.2022 by the informant Jwala Kumar Singh.

As per the FIR, on 16.10.2022 lodged at about 17.35 hours, the informant, S. I., Jwala Kumar Singh, alleged therein that during the course of checking of vehicles, seeing police force two persons on a motorcycle started fleeing away, but on chase one person was apprehended. On query, he disclosed his name as the petitioner, Shambhu Mahto. On search nothing incriminating was recovered from his body although one black coloured Super Splendor motorcycle was recovered from his possession. On query, he disclosed the name of the person who



succeeded in fleeing away. Thereafter motorcycle was seized.

Considering the fact that nothing incriminating was recovered from the body, as per para-3 he has no criminal antecedent and is in custody since 17.10.2022 (as stated in paragraph-12 of the petition), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 509 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner 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 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.

(Rajiv Roy, J)

Prakash Narayan /-

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