

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82472 of 2024

Arising Out of PS. Case No.-367 Year-2024 Thana- MUFFASIL District- West Champaran

Shailesh Kumar @ Shailesh Kumar Mahto S/O- Ramnath Mahto R/O-
Jamuniya Tola Ps- Chanpatiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bettiah Mufassil P.S. Case No. 367 of 2024, registered for the offences under Sections 305 and 331 of the Bharatiya Nyaya Sanhita and later on added Section 317(2) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, a thief entered into the apartment house of the informant and took away mobile phones belonging to the informant and his wife. The thief also tried to open the almirah but was unsuccessful as the wife of the informant woke up and raised alarm. The name of the petitioner transpired during investigation as the person who committed theft in the house of the informant.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The FIR has been lodged after delay of 36 hours and it creates doubt over the prosecution case. It is not believable that the petitioner would keep the stolen mobile with him though allegation has been made that stolen mobile has been recovered from the petitioner. In fact the petitioner purchased the mobile phone in question from a shop and he was not aware about its antecedent. The petitioner is in custody since 02.09.2024 and charge sheet has been submitted. The petitioner is having antecedent of three cases but he is on bail in all those cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah/concerned court, in connection with Bettiah Mufassil P.S. Case No. 367 of 2024,



subject to the condition laid down under Section 437(3) of the
code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close
relative of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the below, if
so required by the learned trial court.
- (iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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