

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84667 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- RAGHOPUR District- Vaishali

Sunil Mahto S/O Digan Mahto R/O Village- Panch Pairiya, P.S- Raghapur
(Rustampur O.P.), Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr.Sunil Kumar Singh, learned counsel for
the petitioner and Mr.Shahabuddin Azeem @ S. Azeem, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raghapur (Rustampur O.P.) P.S.Case No.212 of 2023, FIR dated 05.09.2023 registered for the offences punishable under Sections 379,414 of IPC.

3. The prosecution story, in brief, is that the Informant- Sub-Inspector-Rupesh Kumar received a secret information on 5-09-2023 at about 7 A.M. that two miscreants viz.- Golu Thakur and Sunil Mahto have stolen a Piaggio Auto and we going to sell the same by dismantling the vehicle. On this information the Informant along with his Police team proceeded for the P.O. and when they reached at the P.O. then



on seeing the Police the two miscreants started to flee away from there but the Police apprehended one of them and on interrogation he told his name as Golu Thakur and disclose the run away miscreant name as Sunil Mahto. Then the Police seized the alleged stolen Piaggio Auto from the place of occurrence from the accused possession and prepared the seizure list and registered the case. The Police arrested the accused, namely, Golu Thakur and remanded to the Judicial custody.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of disclosure made by co-accused person, namely, Golu Thakur. Further submits that the recovery has been made from the common place and petitioner has no concern at all with the alleged recovery or the co-accused person and he has falsely been made accused in the present case.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S.Case No.212 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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