

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2012 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- LAUKAHI District- Madhubani

Umesh Mahto S/O LATE KUSHESHWAR MAHTO VILLAGE- HARYARI,
PS. PHULPARAS, DIST.MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-05-2024

Heard the parties.

2. The petitioner is in custody in connection with Laukahi P.S. Case No. 130 of 2023 (G.R. No. 845 of 2023) registered for the offences under sections 457 and 380 of the Indian Penal Code lodged on 13.05.2023 by the informant, Nabonath Pathak.

3. As per the prosecution story, a theft was committed in the house of the informant in which the cash, clothes, mobiles as also ornaments were stolen. He had strong apprehension about the accused persons/petitioner behind the said theft. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has no role to play in the matter and his name has come in the confessional statement of Manoj Mandal. The further submission is that the recovery of jewellery which has been attributed to his home actually belongs to his wife but the police



has earmarked it as stolen. He, however, submits that the petitioner do have the criminal antecedent of the same nature but once implicated, in every cases his name cropped up.

5. The last submission is that he is in custody since 28.08.2023 (as stated in paragraph 13 of the petition) and one of the co-accused, Manoj Mandal has since been granted bail vide Cr. Misc. No. 84361 of 2023 by a co-ordinate Bench.

6. Learned APP opposes the prayer for bail stating that he has criminal antecedent and as per the observation of learned Session Judge, recovery is also there.

7. Though both the submissions of the learned APP is/are correct, in view of the fact that he has remained in custody since 28.08.2023, the other accused persons including Manoj Mandal on whose confession his name has come up has since been released, as stated above and he shall be appearing diligently in trial, this Court is inclined to extend him the privilege of bail with strict conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Jhanjharpur, Madhubani, in connection with Laukahi P.S. Case No. 130 of 2023 (G.R. No. 845 of 2023) subject to the following



conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 month till the conclusion of trial to mark his 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 his bail bonds.

(Rajiv Roy, J)

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