

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2937 of 2025

Arising Out of PS. Case No.-152 Year-2023 Thana- MANJHAGARH District- Gopalganj

Mohan Mahato, S/o Vinda Mahto, R/o Village- Sarfara, P.S.- Barauli, District
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Manjhagarh P.S. Case No. 152 of 2023 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. In the night of 13.05.2023, while the informant along with his family members were sleeping in their house, in the meanwhile, some unknown thieves stealthily entered into the house and stolen away the valuables worth Rs. 10 lacs, containing gold articles, cash and clothes.

4. Learned counsel for the petitioner contended that the FIR has been instituted against unknown thieves. However, during the course of investigation, the name of the petitioner has



surfaced on the confessional statement of co-accused Rahul Kumar @ Mahendra Kumar @ Nanhaki. The petitioner was apprehended in connection with Barauli P.S. Case No. 292 of 2023 and thereafter he has been remanded in the present case on 07.10.2023. It is further contended that, in fact, on account of the criminal antecedent of the petitioner, his name has been implicated in this case, the particulars of which have been mentioned in para-3 of the bail application. It is next contended that there is no recovery of any stolen article(s) from the person or possession of the petitioner and now he has been incarcerated since 07.10.2023.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and contended that the petitioner bears four criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no recovery of any stolen article from the person or possession of the petitioner, coupled with the period of custody and the fact that the crime in question is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Manjhagarh P.S. Case No. 152 of



2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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