

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5072 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- KANGLI District- West Champaran

Tulsi Mahato, S/o Mahanth Mahato @ Mahant Mahto, R/o vill - Prastoka
Belahiya, P.S.- Gandak Chowki, Distt.- Bara (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate.
For the State : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kangali P.S. Case No.70 of 2024 dated 26.10.2024, registered for the offences punishable under Sections 317(2), 317(4), 317(5) and 3(5) of Bharatiya Nayaya Sanhita 2023.

3. As per allegation, the petitioner has purchased 19 stolen Mobile phones from co-accused Dharmanath Sah and Tauhid Alam.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has not been made from the conscious possession of the petitioner. He also submits that petitioner is the citizen of Nepal and he is ready to furnish



the surety of local residents/Indian citizen. He also submits that similarly situated co-accused has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 12.02.2025 passed in Cr. Misc. 4256 of 2025.

5. He further submits that the petitioner has been languishing in jail since 27.10.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Rajeev Kumar Singh, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Kangali P.S. Case No.70 of 2024 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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