

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10393 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- GARKHA District- Saran

Ashok Mahto @ Ashok Kumar Mahto Son of Timal Mahto Resident of
Village - Barbatta, Police Station - Sonpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 14-02-2025 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 Garkha P.S. Case No. 326 of 2024, registered for the alleged offences under Sections 457 and 380 of the B.N.S.

3. As per prosecution case, a theft was committed in the dwelling house of the informant in the night and the thieves took away money and utensils from the house of the informant. The safe locker of the *Almirah* was also found broken, but the details of missing articles were not given and the informant said that the details of the stolen articles would be given later on.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is not named in the FIR. His name transpired in this case on basis of his confessional statement to the police during investigation. Nothing incriminating has been recovered from

the conscious possession of this petitioner. The learned counsel further submits that though details of theft of jewellery/ornaments have not been mentioned in the FIR and even no details have come the police has falsely planted story with regard to recovery of ornaments and other articles from the accused persons for which a petition has been filed before the court concerned with regard to high handedness of police. The petitioner has been made accused merely on suspicion. The petitioner has been made accused in altogether 8 cases and the petitioner has been remanded in three cases till now. Learned counsel further submits that co-accused person has been granted bail by this court vide order dated 08.01.2025 passed in Cr. Misc. No. 88561 of 2024. The learned counsel further submits that the petitioner is in custody since 10.08.2024 in this case and charge sheet has been submitted.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is a habitual offender and is accused in altogether eight cases of similar nature.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is

directed to 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 Additional Chief Judicial Magistrate-IV, Chapra, in connection with Garkha P.S. Case No. 326 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the 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 court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) 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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