

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89822 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- KHUTAUNA District- Madhubani

1. Jai Prakash Singh @ Jay Prakash Mahto
2. Ram Prakash Mahto.
Both Sons of Ramnath Singh.
3. Shravan Kumar Son of Rajdeo Mandal.
All are Resident of Village- Hanuman Nagar, Ward No. 8, P.S.-Khutauna
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr.Girish Chandra Jha, learned counsel for the

petitioners and Mr.Dr.Mrityunjaya Kr.Gautam, learned A.P.P. for

the State.

2. The petitioners seek bail, who are in custody since
07.11.2024 in connection with Khutauna P.S.Case No.156 of
2024, F.I.R. dated 06.11.2024 registered for the offence
punishable under Sections 317(5),3(5) of B.N.S.,2023.

3. The prosecution case, in short, is that the seized
motorcycles have been recovered from door of house of
petitioner Nos.1 and 2 and no document of ownership was
produced by them. Further upon arrest they stated to Police that



they alongwith petitioner No.3 have stolen the said motorcycle from Darbhanga.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that 2-3 motorcycles parked near the door of the house of the petitioners. Learned counsel for the petitioners submits that merely on the basis of suspicion, the petitioners have been made accused in the present case and it appears that nothing has been recovered from conscious possession or the house of the petitioners rather the recovery has been made from outside and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.11.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and nothing has been recovered from conscious possession or the house of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st



Class, Jhanjharpur, Madhubani in connection with Khutauna
P.S.Case No.156 of 2024, with the following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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