

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86375 of 2025

Arising Out of PS. Case No.-2 Year-2012 Thana- MAJHAULIA District- West Champaran

1. Shivnath Mahto son of Ganesh Mahto Resident Of Village- Laxmipur Gobardhani, Ps- Yogapatti (jogapatti) Dist- West Champaran
2. Halim Mian Son of Wakil Mian @ Bakil Miya Resident Of Village- Ward no 13, Belbanwa, Police station -Yogapatti,(jogapatti) District- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2026 Heard Mr. Brij Kishor Mishra, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Majhauliya P.S. Case No. 02 of 2012 registered for the offence(s) punishable under Sections 457 and 380 of the Indian Penal Code and later on Section 411 of Indian Penal Code was also added.

3. As per the allegation made in the FIR, some unknown thieves have stolen away the computers from the school, namely, Smt. Janki Devi Project Kanya High School, Madhopur, District, West Champaran.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Petitioners are not named in the FIR and names of the petitioners have surfaced in this case on the basis of confessional statement of co-accused Chhathu Mahto and confessional statement made before police has no evidentiary value. Petitioner no.1 has one criminal antecedent, while petitioner no.2 has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and the fact that petitioner no.2 has clean antecedent and it is not specific from pleading and information contained in the bail application that recovery of stolen article was made from him, I am of the opinion that petitioner no.2 has, *prima facie*, made out a case to be released on pre-arrest bail **on such terms and conditions, as the learned District Court deems it fit and proper, subject to the condition that if it is found by the learned District Court after verification that no stolen article was recovered from the house of the petitioner no.2 or any of his family members.**



7. So far as petitioner no.1 is concerned, considering two criminal antecedents pending against him, **I am not inclined to grant pre-arrest bail to the petitioner no.1.**

8. The bail application is, accordingly, disposed of.

(Purnendu Singh, J)

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