

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, MADHUBANI

B.P.No.937/2022

Date	Ordersheet
18-1-2023	The record put up today for hearing on the bail petition dated 13-12-2022 filed on behalf of the accused-petitioner Anand Kumar Mahto who is in jail custody since 16-11-2022 in connection with Babubarhi P.S. case No.278/2022 u/s 413/414/467/468/ 471/34 of the IPC. The learned lawyer, Shri Guddu Kumar Jha appearing on behalf of the petitioner has submitted that the petitioner is innocent and has committed no offence rather he has falsely been implicated in this case. Nothing incriminating has been recovered from the possession of the petitioner. Whatever seized list has been prepared by the police is beyond the provision of law. The prosecution story is false, concocted, absurd, baseless and fabricated. Lastly, prayer has been made to release the petitioner on bail. On the other hand, the learned A.P.P., Shri Sanjay Kumar for the State has opposed the prayer of bail of the petitioner. Heard the parties and perused the materials available over the record including the case diary. The case, in short, is that on 16-11-2022 at 7:30 A.M., the informant-Vijay Kumar knew that in Donwari Hat, some persons were caught with stolen motorcycle and thereafter, to verify the information, the informant rushed there and found the local people caught three persons with the motorcycle who were taken into the police custody and after enquiry, it was found that the seized motorcycle bearing registration No.BR-32S-5429 was stolen motorcycle and the apprehended person had stated that they had stolen the motorcycle and they also accepted that they had stolen altogether eight motorcycles from Donwari Hat and three motorcycles were sold in Nepal and other four motorcycles were sold to Talendra Yadav who deals the illegal liquor and one motorcycle was kept by them for own use. The petitioner has been arrested at the spot with the stolen motorcycle bearing registration No.BR-32S-5429 along with other accused persons. The petitioner has been under judicial custody since 16-11-2022. In case diary, it is mentioned that he has no criminal antecedent but the petitioner has mentioned in his petition that Town P.S. case No.124/2022 is also lodged against him. It is evident that the petitioner is an accused in one another case and has been under judicial custody since 16-11-2022. Hence, considering the period of custody as well as the fact that he is accused in only one another case, I find it proper to grant the regular bail to the petitioner and, therefore, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned court below with condition that one bailor will be his close relative. Dictated Additional Sessions Judge-IV Memo No. /2023, Dated: Copy forwarded to the court of ACJM-Ist, Madhubani for information and needful. Additional Sessions Judge-III, Madhubani 18-1-2023

