

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40116 of 2020

Arising Out of PS. Case No.-240 Year-2020 Thana- BANKA District- Banka

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Fantoosh Sah @ Fantush Sah, aged about 23 years, Son of Late Radhe Sah
Resident of Amarpur, Police Station- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 21-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour

his undertaking given in the instant case for depositing the

requisite court fee and to remove the defects as pointed out by

office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned

counsel for the State

The petitioner seeks bail in Banka PS Case No. 240 of

2020, instituted for the offence under Section 392 of the Indian

Penal Code.

It is the prosecution case that the informant has been



looted of his motorcycle, ATM card, PAN card, Aadhar Card, and mobile phone.

The learned counsel for the petitioner submits that having no criminal antecedents, he is in custody since 30.06.2020. As per prosecution case, he has purchased the motorcycle from co-accused, namely, Sattan Kumar Mandal @ Satto on account of his close friendship with co-accused and was expecting transfer of the same, in accordance with law. In the meantime, he has become a victim of the circumstance.

Earlier the case diary had been requisitioned.

The learned APP, representing the State, has opposed the prayer for bail. Referring to paragraph No. 47 of the case dairy, wherein, co-accused, namely, Sattan Kumar Mandal @ Satto has confessed to his complicity in the alleged loot and stated that he sold the motorcycle in-question to the instant petitioner.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned



Chief Judicial Magistrate, Bhagalpur, in connection with
Banka P.S. Case No. 240 of 2020, subject to the following
conditions:-

(i) That one of the bailors will be a close relative of the
petitioner who will give an affidavit giving genealogy as to how
he is related with the petitioner. The bailor will also undertake to
inform the Court if there is any change in the address of the
petitioner.

(ii) That the petitioner will be well represented on each
date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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