

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11115 of 2021**

Arising Out of PS. Case No.-121 Year-2020 Thana- HARLAKHI District- Madhubani

Tinku Kumar Mahto, aged about 30 years, (Male) son of Kishun Mahto @ Kishun Dev Mahto, Resident of village- Piproun, Police Station- Harlakhi, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Md. Iftexhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 04-08-2021 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 Harlakhi PS Case No.121 of 2020, instituted for the offence under Section 379 of the Indian Penal Code.

The prosecution case is that two strangers were roaming



around the informant's house. When he asked them what they are doing. They said that their motorcycle has broken down and they would be leaving the place after getting it repaired. The next morning, the motorcycle of the informant was found missing. Since the informant had enquired from the two strangers their name and address, he had lodged the F.I.R., naming the petitioner, as one of the strangers, as responsible for the theft.

The learned counsel for the petitioner submits that the manner, in which, the F.I.R. has been lodged, cast grave suspicion on the prosecution story. It is intriguing that the informant has stated that strangers were roaming in front of his house, and at the same time named the two strangers, including the instant petitioner as accused claiming that the strangers themselves have disclosed their own names. The petitioner has clearly been framed in the instant case. He is in custody since 31.07.2020 and recovery of the motorcycle is from the road and not from the petitioner's possession.

Earlier Case diary had been requisitioned in the instant Case.

The learned APP, representing the State, has opposed the prayer for bail. He has submitted that the petitioner has been



identified by the informant and the case diary shows that the recovery of the motorcycle is from possession of the instant petitioner along with another.

Considering the rival submissions, this Court, for the present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

(Madhuresh Prasad, J)

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