

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21172 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- BARHARA KOTHI District- Purnia

NITISH KUMAR SON OF MAKHU SHARMA RESIDENT OF VILLAGE -
YOGIRAJ, P.S. - PURAINI, DISTT. - MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Barhara P.S. Case No. 381 of 2022 dated 25.08.2022 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant's motorcycle, bearing Registration No. BR11AR 9822 on which named accused was sitting, was stolen from front of the door of the informant's house when left unattended for some time.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that F.I.R. lodged against the only one accused person, namely, Makhan Thakur. It is also submitted that the occurrence took place on 04.08.2022 and F.I.R. was lodged on 25.08.2022 after lapse of 21 days without any proper reasons. Further, it is submitted that at the time of occurrence



the petitioner was passing through the place of occurrence and after seeing the police party, one person left the motorcycle on the road and fled away and on the basis of suspicion police arrested and remanded the petitioner in this case. It is also submitted that there is no recovery from the possession of the petitioner and the petitioner has no concern with the F.I.R. named accused person. The petitioner is in custody since 21.12.2022, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Barhara P.S. Case No. 381 of 2022.

(Khatim Reza, J)

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