

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37892 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- KURSAILA District- Katihar

Khantar Mandal @ Amit Kumar Son of Makhan Mandal Resident of Village -
Gachitola, P.S.- Gopalpur, District – Bhagalpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the State : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 379/411 of the Indian Penal Code.

As per prosecution case, on 14.10.2022 the informant was returning home by motorcycle, in the way near Gitti-plant, Kursela he parked his motorcycle and went to nature call and when he returned on that place, he found that his motorcycle was missing. Accordingly, this case has been lodged against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case by the police on the basis of his previous criminal antecedents. The stolen motorcycle has not been



recovered from the house or from the conscious possession of the petitioner. During investigation, except his confessional statement, which has no evidentiary value in the eye of law, no consistent evidence has come against the petitioner which shows his complicity in the alleged offence. This case is triable by learned Judicial Magistrate. Moreover, he is languishing in judicial custody since 20.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail after framing of charge, if charge has not been framed as yet. The above named petitioner is directed to be released on bail in connection with Kursela P.S. Case No. 199 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Katihar.

(Sunil Kumar Panwar, J)

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