

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40621 of 2023**

Arising Out of PS. Case No.-306 Year-2023 Thana- SITAMARHI District- Sitamarhi

SANTOSH KUMAR S/o- TULSI SAH Village- Sursand Tole Maidan Ps-
Sursand Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 413 and 414 of the
Indian Penal Code.

3. The allegation against the petitioner is that from his
possession a stolen motorcycle has recovered.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has apprehended on spot. He
submitted that both the witnesses are not the independent and
local witnesses rather both are the planted witnesses of the
informant since one of them are the resident of Mohalla- Naya
Tola Mehsaul and another is of village- Marpa Kachaud. The



provision of Section 100 of the Cr.P.C. has not followed in this case, while preparing the seizure list. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 16.04.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Sitmarhi P.S. Case No. 306 of 2023.

(Sunil Kumar Panwar, J)

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