

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32134 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- BIHTA District- Patna

Fantush Kumar Son of Chhotan Ram Resident of Village- Kanhauli, P.-
Bihta, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 128 of 2024 instituted for the offences under
Section 401, 413 and 414 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is of being involved in the theft and selling of the
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to suspicion. The name of the petitioner has surfaced in this
case on the basis of the confessional statement of co-accused



Anshu Kumar. The petitioner has no concern with the alleged occurrence. There is non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 05.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that total seven stolen motorcycles were recovered from the possession of the petitioner and other co-accused.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed* on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihta P.S. Case No. 128 of 2024.

(Rudra Prakash Mishra, J)

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