

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34016 of 2024

Arising Out of PS. Case No.-717 Year-2023 Thana- CHANPATIA District- West Champaran

Rahul Kumar @ Motu Son of Pahari Sah @ Pahadi Sah Resident of Village-
Pipra, Ward no- 07 ,Police station- Chanptiya ,District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App.84)

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

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Chanpatiya P.S. case No. 717 of 2023 instituted for the offences under Section 380 of the Indian Penal Code to which section 411 of the Indian Penal Code was added subsequently.

3. Prosecution case, in short, is that the informant's motorcycle was stolen from his house by unknown person.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely due to suspicion. Petitioner is not named in the FIR. The stolen motorcycle was recovered from the front of the house of the one Shekh Mansoor Alam. Petitioner's name transpired in this case on the basis of confessional statement of co-accused



Nitish Kumar @ Gyani Kumar before police. He further submitted that nothing has been recovered from the possession or from the house of this petitioner. Petitioner has got no concern with the motorcycle in question. Charge-sheet has been submitted in this case. Similarly situated co-accused has been enlarged on bail vide order dated 18.04.2024 passed in Cr. Misc. No. 28124 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Chanpatiya P.S. case No. 717 of 2023.

(Rudra Prakash Mishra, J)

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