

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39168 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- EKMA District- Saran

BITTU KUMAR @ BITTU @ KATASH SON OF SHARWAN MAHTO
RESIDENT OF VILLAGE - EKMA CHATTI, POLICE STATION - EKMA,
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No.126 of 2024, arising out of Ekma P.S. Case No.401 of
2023, lodged under Sections 395, 412, 392 and 212 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against three unknown accused persons against whom
there is allegation of loot of motorcycle and other materials of
the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner has been made accused in case of robbery
which is magisterial triable in nature. He submits that the



petitioner's name has been inserted in this case at the instance of police due to the reason that his antecedent is not clean.

5. Counsel further submits that petitioner is in custody since 06.10.2023 having 13 criminal antecedent in which he is on bail in 11 cases and in rest two cases, he is persuading for bail.

6. Learned counsel for the State opposes the prayer for bail and submits that the mobile subject to theft has been recovered from the possession of the petitioner, therefore his involvement in this case cannot be read out.

7. Upon specific query whether charge has been framed or not. Counsel submits that he is not aware about framing of charge.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **6 months after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Saran at Chapra in connection with S.Tr. No.126 of 2024, arising out of Ekma P.S. Case No.401 of 2023, subject to the following conditions as laid down under Section 437(3) of



Cr.P.C.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- i. Ekma P.S. Case No.139 of 2016.
- ii. Ekma P.S. Case No. 264 of 2018.
- iii. Ekma P.S. Case No. 71 of 2019.
- iv. Ekma P.S. Case no. 166 of 2019
- v. Ekma P.S. Case No. 366 of 2020.
- vi. Ekma P.S. Case No. 351 of 2020.
- vii. Ekma P.S. Case No. 162 of 2021.
- viii. Ekma P.S. Case No. 364 of 2021.
- ix. Ekma P.S. Case No. 435 of 2021.
- x. Mairwa P.S. Case No. 45 of 2019.
- xi. Ekma P.S. Case No. 376 of 2023.
- xii. Ekma P.S. Case No.315 of 2023.
- xiii. Daudpur P.S. Case No. 323 of 2023.

(Dr. Anshuman, J.)

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