

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40475 of 2024

Arising Out of PS. Case No.-817 Year-2023 Thana- BANKA District- Banka

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Mahesh Kumar @ Mahesh Yadav S/O Shivcharan Yadav R/O Village- Madar
Kuraba, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Banka P.S. Case No.
817 of 2023, instituted for the offences punishable under
Section 379 of the Indian Penal Code.

3. The prosecution case, in short, is that, some
unknown persons committed theft of four motorcycles from the
parking area in the house of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case under
Sections 379 and 411 of the Indian Penal Code. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner
further submitted that the petitioner is not named in the F.I.R.



and his name has transpired on the basis of Banka Excise P.S. Case No. 904 of 2023, in which the petitioner has been arrested along with co-accused Mithilesh Kumar in which one of the stolen motorcycle of the informant was recovered. The stolen motorcycle was handed over to them by Naveen Kumar Yadav for delivery of illegal liquor. The petitioner has got no knowledge regarding the stolen motorcycle and was only a pillion rider of the same. The petitioner has been remanded in this case on 03.01.2024 and has got one criminal antecedent.

5. Learned APP 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 and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banka P.S. Case No. 817 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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