

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54715 of 2024**

Arising Out of PS. Case No.-366 Year-2023 Thana- PATRAKARNAGAR District- Patna

Golu Kumar @ Golu Patel, aged about 35 years, Male, Son of Arvind Kumar @ Arvind Kumar Kanheya Resident of Shankar Chowk, P.S.- Sitamardhi, District - Sitamardhi, at present Begampur, P.S.- Bypass, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

ORAL ORDER

2      09-08-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Patrakar Nagar P.S. Case No. 366 of 2023 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, it is case of theft of a motorcycle of the informant by the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case due to local party politics. He further submits that the FIR is against unknown and the police arrested this petitioner merely on the basis of suspicion as well



as the confessional statement of co-accused Sunny Kumar @ Akash Ojha. He next submits that there is no any direct allegation of involvement of the petitioner in this occurrence. Nothing incriminating article has been recovered from the conscious possession of the petitioner. Chargesheet has been already been submitted in this case as stated by learned counsel for the petitioner and he is in custody almost about one year. Petitioner is in custody since 08.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-10th, Patna dated 11.03.2024, it appears that petitioner is not named in the FIR and his name transpired in this case only on the basis of confessional statement of co-accused Sunny Kumar @ Akash Ojha. during course of investigation. Petitioner has not been put on Test Identification Parade till date and there is no any recovery from the conscious possession of the petitioner.

7. Considering the facts and circumstances of the case, period of custody and the fact that the petitioner has been made accused only on the basis of confessional statement of co-accused Sunny Kumar @ Akash Ojha, the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Judicial Magistrate- 1<sup>st</sup> Class, Court No. 23, Patna in connection with Patrakar Nagar P.S. Case No. 366 of 2023.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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