

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56002 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- SAUR BAZAR District- Saharsa

Bablu Kumar Son of Rajendra Mistri Resident of Village- Bhaptiya, PS- Saur
Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Uday Chand Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Sour Bazar P.S. Case No.136 of 2024, registered for the offence
punishable under Section 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
along with the co-accused, were involved in theft of motorcycle.
The petitioner has been made accused for running a mechanic
shop, where the stolen motorcycles are dismantled.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is a mechanic and no
such theft was committed by the petitioner of any motorcycle.
The name of the petitioner has been surfaced on the basis of



confessional statement of co-accused, Sushant Kumar that he sold the motorcycle to the petitioner and parts were seized from the garage of the petitioner. Learned counsel appearing on behalf of the petitioner submitted that it cannot be identified that the parts seized can be ascertained to be part of the stolen motorcycle bearing Registration No. BR 195-7362 and without identifying the same the petitioner has been facing the false prosecution. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering nature of the allegation made in the FIR and the name of the petitioner has been disclosed on the basis of confessional statement of the co-accused, recorded in the police custody, as well as, without identifying the engine number, chassis number and the registration number relating to the seized items recovered from the garage of the petitioner that the same is of the motorcycle which was stolen by the co-accused who had confessed his guilt, the petitioner has *prima facie* made a case to be released on pre-arrest bail. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned



District Court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Saharsa/concerned court, in connection with Sour Bazar P.S. Case No.136 of 2024 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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