

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57795 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- KATORIYA District- Banka

Aatish Kumar @ Golu @ Golu Kumar, aged about 25 years (Male), Son of Bijay Krishna Singh, R/O Village- and P.O. - Panjwara, P.S.- Panjwara, Dist-Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Katoriya P.S. Case No. 24 of 2024 dated 02.02.2024 registered for the offence punishable under Section 392 of the I.P.C.

3. As per the prosecution case, the informant, namely, Aman Pratap, who is posted as Assistant Accounts Manager on contract basis in Rural Works Department, Works Division, Banka, comes and goes daily for work while staying in his house situated at Deoghar. On 01.02.2024, after finishing his



work of Banka Office, he was returning to Deoghar on his Motorcycle bearing Registration No. JH-10BR-7721 and at about 6.30 P.M., when he reached near *Kaithakura Forest*, then four unknown miscreants surrounded his motorcycle, in which three persons have covered their faces and one person is threatening him. It is further alleged that all the accused persons abused him and after showing weapon, they took his Bullet motorcycle, Samsung Mobile Phone, Wallet containing Rs. 2400/-, ATM Card of Canara Bank, Driving License, Aadhar Card and Pan Card.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the F.I.R. has been registered against unknown. The petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation on the basis of his self confessional statement made before the police which has got no evidentiary value in the eye of law. There is no recovery of any stolen article from the possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner has not been put on T.I. Parade to ascertain his involved in the present case. It is submitted that the other co-accused person, namely, Deepak



Yadav @ Deepak Kumar @ Deepak Kumar Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. No. 51540 of 2024 under order dated 13.08.2024. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that at the instant of the petitioner, the stolen motorcycle was recovered from the possession of other co-accused person.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Banka in connection with Katoriya P.S. Case No. 24 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

