

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68495 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- BANMANKHI District- Purnia

Purshottam Kumar Son of Sri Surya Narain Sah Resident of Village -
Baisadh, Ward No.- 10, P.S. - Kumarkhand, District - Madhepura, Bihar -
852112

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Banmankhi P.S. Case No. 424 of 2023 dated 21.09.2023, lodged
under Section 395 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
four unknown accused persons and owner of Maruti Suzuki Car
bearing no. BR-11-AW4513. It has been alleged in the FIR that
accused persons have committed *dacoity* from the informant and
extracted the vehicle loaded with maize.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner is not named in the FIR. Counsel



submits that the name of the petitioner has been figured in this case only due to the reason that the said muruti car is registered in his name. Counsel submits that it is true that the vehicle belongs to him but driver of the said vehicle namely Ratnesh Kumar Yadav has borrowed the vehicle from him on the ground that his wife has to visit *maika* (maternal home) and the petitioner is completely unaware that he is using his car in commission of the said crime. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are three criminal cases pending against him in which in all the cases, he is on bail. The petitioner is in custody since 29.05.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner's story is acceptable only when he has no criminal antecedent, but here in the present case, petitioner has three criminal cases pending against him and this aspect may not be ignored while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the



cases pending against him whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnia in connection with Banmankhi P.S. Case No. 424 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. Pending cases against the petitioner are as follows:-

- (I)- Banmankhi P.S. Case No.291 of 2022.
- (II)- Kumarkhand P.S. Case No.209 of 2018.
- (III)- Kumarkhand P.S. Case No. 77 of 2024.

(Dr. Anshuman, J)

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