

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2146 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- DHANKUND District- Banka

Mangal Kumar S/o Parmanand Mahto R/o Village-Harinagar, P.S.-Goradih,
District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

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

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhankund P.S. Case No. 97 of 2024 instituted for the offences
under Sections 317(5)/3(5) of the B.N.S.

3. As per prosecution case, the petitioner has been
apprehended on the spot with stolen motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. He
further submits that the petitioner, while returning home, had



taken lift from the co-accused Ashish Kumar who was also returning home on his motorcycle. He further submits that the co-accused Ashish Kumar had purchased the alleged motorcycle from the co-accused Md. Azad, who is a motorcycle mechanic. Co-accused Md. Azad has already been granted bail by the court below itself. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Ashish Kumar @ Aashik Kumar has been granted bail by this Court vide order dated 19.12.2024 passed in Cr. Misc. No. 86805 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the



petitioner, abovenamed, 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 Court below/concerned Court in connection with Dhankund P.S. Case No. 97 of 2024.

(Rudra Prakash Mishra, J)

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