

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30012 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- KHUTAUNA District- Madhubani

Phulbabu Das @ Fulbabu Das S/O Ramnath Das R/O Village- Laukahi, P.S-
Laukahi, Distt.- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 08-07-2025 Heard Mr. Shivnandan Bharti, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 109 of 2024, instituted for the offences
punishable under Section 303(2) of the Bharatiya Nyaya
Sanhita, 2023.

3. The prosecution case, in short, is that, motorcycle
of the informant was stolen by some unknown miscreants from
the parking of CHC, Khutauna.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of self-confession made before the police and the same has got no evidentiary value. It is further submitted that no any recovery of stolen item has been made from the possession of the petitioner. The petitioner is in custody since 21.10.2024 and has got ten criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 27.02.2025 passed in Cr. Misc. No. 10314 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khutauna P.S. Case No. 109 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

