

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43878 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- KHUTAUNA District- Madhubani

Phul Babu Das @ Phulbabu Das @ Fulbabu Das, S/o Ram Nath Das R/o
Village- Laukahi, P.S.- Laukhi, Dist.- Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivnandan Bharti, Advocate
	Mr. Pintu Kumar Patel, Advocate
	Ms. Kalyani Singh, Advocate
For the Opposite Party/s :	Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner
and learned Additional Public Prosecutor for the
State.

2.The accused/petitioner seeks bail in
connection with Khutauna P.S. Case No. 119 of
2024 registered for the offences punishable under
Sections 303(2) Bhartiya Nyaya Sanhita (for short
'B.N.S.').

3.The accused/petitioner is not named in
the FIR and is in custody since 21.10.2024.

4. Allegation against the petitioner is of
committing theft of motorcycle bearing
Registration No. BR32R-4611.

5. It is submitted by learned counsel



appearing for the petitioner that after arrest in Khutauna P.S. Case No. 121 of 2024, petitioner was remanded in the present case on the basis of his self-confessional statement in presence of police. No incriminating material has been surfaced/recovered from the possession of petitioner as to connect him *prima facie* with present crime in question. It is submitted that merely due to fact that the petitioner was main accused in nine other cases of similar nature, his name transpired on the basis of confessional statement of co-accused/self confession having otherwise no evidentiary value under law. It is submitted that if the merit of this case appears in favour of the petitioner merely on the ground of criminal antecedents, ordinarily, the prayer of bail should not be denied and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of U.P. & Ors. [(2020) SCC 648]***. It is pointed out that the petitioner was not put on TIP in connection with present case. While concluding argument, it is



submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact that prima facie except self-confession, nothing incriminating surfaced against this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 21.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of J.M., 1st Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 119 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha



Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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