

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58806 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- ATHMALGOLA District- Patna

Moti kumar @ Mori sao Son of Hare Ram sai @ Hiram Sao R/o Village -
Kela tad, P.S. - Sumka (Sariya), District - Giridih(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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

ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Athmalgola P.S. case
No. 209 of 2025 instituted for the offences under Section
302(2) and 317(5) of Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the vehicle of
the informant loaded with cold drinks left for delivery of
consignment and got stolen by the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is not named in the F.I.R. No
incriminating material has been recovered from the conscious
possession of the petitioner. The name of the petitioner has



transpired on the basis of confessional statement of co-accused. Except the confessional statement, there is nothing adverse against the petitioner. It is further submitted that, in fact, the petitioner has purchased the vehicle in question from Saurav Kumar and was unaware that the vehicle is stolen one. The petitioner is in custody since 28.06.2025 and has got six criminal antecedents in which he is on bail in all the cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submits that the petitioner has six criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case and 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.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Athmalgola P.S. case No. 209 of 2025, 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.

(Rudra Prakash Mishra, J)

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