

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76932 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- EKMA District- Saran

Abhishek Kr. Pandey Son of Shri Parmatma Pandey Resident of village -
Piprakala P.s -Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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

ORAL ORDER

4 27-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ekma
P.S. Case No. 269 of 2024 instituted for the offence under
Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in short is that while the
informant along with his wife was on his way, they were
accosted by three unknown miscreants, who on the point of
pistol taken away his motorcycle.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 31-07-2024. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is alleged that the motorcycle in question was recovered from the possession of the petitioner while he was driving. It is next contended that petitioner was not put on T.I. Parade. Police after investigation has submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that the looted motorcycle in question was recovered from the petitioner's possession, hence, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Ekma P.S. Case No. 269 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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