

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79146 of 2024**

Arising Out of PS. Case No.-151 Year-2024 Thana- SARMERA District- Nalanda

Ashutosh Kumar son of Sunil Prasad Village- Barhiya, P.S.- Sarmera,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 24-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 317(5) Section 414 of IPC) 318(4), (420 I.P.C.) 338 (468 IPC), 340 (471 IPC of the Bhartiya Nyaya (Section 414 IPC) Sanhita, 2023.

3. The case of the prosecution is that the petitioner was intercepted. He was on bike. He himself told that the bike is stolen one.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in connection with the present case. From perusal of the search and seizure, it has further been submitted that the bike has been recovered in front of the house of Sheo Shankar Tiwari. It has further been submitted that the FIR was lodged at 5:00 A.M. whereas seizure list has been prepared from 3:15 to 3:40 A.M. and it bears the FIR number as well. It shows that the same has been prepared at police station i.e. while the witnesses are the police personnel. The fact that the petitioner was asked regarding the bike which was parked before the door of Sheo Shankar Tiwari to which he could not give satisfactory answer and was implicated in this case. Further submission is that there is no answer regarding the stolen bike. Moreover, the petitioner is languishing in judicial custody since 23.07.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that the petitioner has one criminal antecedent.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarmera P.S. Case No. 151 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate-1st Class, Biharsharif.

(Ashok Kumar Pandey, J)

Jagdish/-

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