

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90062 of 2024

Arising Out of PS. Case No.-125 Year-2020 Thana- MUFFASIL District- Aurangabad

Sudesh Kumar @ Chhotu Kumar S/o Kashi Yadav R/o Village- Bala Pokhar,
P.S- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-01-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil P.S.Case No.125 of 2020, G.R. No.1276 of 2020,
registered under Section 414 of the Indian Penal Code.

3. As per the allegation made in the FIR, a stolen
motorcycle was recovered from the possession of co-accused
Sunil Kumar.

4. Learned counsel appearing on behalf of the
petitioner submitted that due to enmity, co-accused, Sunil
Kumar, from whose possession the stolen motorcycle is said to
been been recovered, has named the petitioner while he was in
Police custody, which has no evidentiary value. From perusal of
the FIR, no ingredient of Section 414 of IPC is made out against
the petitioner. The petitioner has one criminal antecedent but



he is on bail in that case.

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

6. Considering the nature of allegation made in the FIR, as well as, the fact that the stolen motorcycle has been recovered from the possession of co-accused Sunil Kumar., the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII, Aurangabad in connection with Muffasil P.S.Case No.125 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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