

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4378 of 2025

Arising Out of PS. Case No.-478 Year-2022 Thana- FATUA District- Patna

SANTOSH KUMAR Son of Umesh Yadav Resident of village - Dariyapur,
P.O.- Dihri, Block - Punpun, P.S.- Pipra, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Jha

For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-02-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Fatuha P.S. Case No. 478 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and 399, 402, 414, 420 of the IPC and Section 25(1-b)(a), 26, 35 of the Arms Act.

3. The allegation against the petitioner is to have in possession of stolen motorcycle which alleged to be looted one.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is a man of



clean antecedent and he was working as a recovery agent with a finance company from where the looted motorcycle was financed. It is pointed out that occurrence was not in knowledge of this petitioner and moreover, the recovery of motorcycle not appears from the conscious physical possession of this petitioner. It is also submitted that compliance of Section 100(4) of Cr.P.C. regarding search of premises also not appears followed in present case.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of nature of accusation coupled with the fact that recovery of stolen motorcycle not appears *prima-facie* from the conscious physical possession of this petitioner who is a man of clean antecedent, accordingly, petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Spl. Judge (Excise), Patna city, Patna /concerned
Court, where the case is pending in connection with
Fatuha P.S. Case No. 478 of 2022, subject to the
conditions as laid down under Section 438(2) of the
Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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