

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78664 of 2025

Arising Out of PS. Case No.-454 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

Santosh Kumar Son of Late Ashok Gupta Resident of Village - Dadwa, P.S. -
Mohania, District - Kaimur At Bhabua. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
punishable under Sections 316 (2) and 318 (4) of the B.N.S.

3. The allegation of the prosecution is that the
petitioner had taken the motorcycle of the informant on the
pretext of some urgent work, did not return and sold the same.

4. Learned counsel for the petitioner submits that the
F.I.R. itself discloses that after three days, the informant went to
enquire about the motorcycle and, as a matter of fact, after 10
days the first information report was lodged for which no
explanation has been tendered. The allegation levelled by the
informant completely falls flat in the background of fact that
Annexure-2 of the present application indicates that the said
motorcycle was caught by the police under the Excise Act and it



was the informant's husband who was made accused for transporting illegal wine.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the motorcycle was eventually caught in Excise Case No.341 of 2025 dated 15.05.2025 in which the informant's husband is an accused, let the above named petitioner, 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Mohania P.S. Case No.454 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482 (2) of the B.N.S.S., subject to further conditions that

(i) One of bailors would be the family members of the petitioner.

(ii) The petitioner would cooperate in the investigation/trial.

(Soni Shrivastava, J)

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