

In the Court of Sessions Judge, Darbhanga.**B.P. No.456/2026**

1. Phul Hasan @ Phul Babu son of late Fajlur Rahman @ Late Fazlu Ansari
R/o Village-Rahika Bazar, PS.-Rahika, District-Madhubani

.....Petitioner.

Versus

The State of Bihar..... Opposite Party.

For the petitioner : Shri Aftab Ahmad Siddiqui , learned Advocate.

For the O.P.(State): Shri A.N. Jha, learned Public Prosecutor.

ORDER

04-06-2026 Application for regular bail has been filed on behalf of the petitioner namely Phul Hasan @ Phul Babu, who is in judicial custody since 24-04-2026 in connection with Manigachhi P.S. Case No. 57/2016 for the offences U/ss. 379 of the IPC, pressed today.

2. Heard the learned counsel for the petitioner as well as learned Public Prosecutor on behalf of the State.

3. The allegation is that on the alleged date of occurrence of 26.03.2016 at about 2:00 hours of the day, while the cousin of the informant namely Chhotu Kumar Sah, took his motorcycle for some work and after some time, when the informant approached him to get his motorcycle back, he replied that he had parked the motorcycle in the gully near his house but, it was missing and despite all good efforts and search, the motorcycle could not be traced and the informant learnt that in Madhubani, there is recovery of several motorcycles which have kept in the police station premises and when the police went to inquire the same, he could find 8 and 10 motorcycles kept there, where he identified his motorcycle and also it was said that culprits have caught red-handed with the stolen motorcycles, resulting into the institution of the present case.

4 It is submitted on behalf of the petitioner that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. It has further been submitted that First Information Report has been instituted against unknown and the motorcycle has never recovered from the conscious possession of this petitioner. The further submission is that that petitioner is in custody since 24.04.2026 and investigation has already been completed where the learned Court below has taken cognizance of the offence wanting the petitioner to stand trial. Hence, the petitioner may be granted the privilege of regular bail.

5. On the other hand, the learned Public Prosecutor opposes the prayer for regular bail but, however, on specific query about the recovery from the conscious possession of the petitioner he does not controvert the said stand.

6. Heard and perused the learned trial court record attached with the case diary. Para No. 3 is the re-statement of the informant supporting the occurrence. Para No. 6, 7, 8 of the case diary reflects the statement of witnesses supporting the occurrence but none of the witness states anything incriminating against the petitioner. Para No. 9 is the description of place of

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occurrence. Para No. 22 is some information received regarding the recovery of several motorcycles in the District of Madhubani and in para 26 of the case diary, the motorcycle of the informant is stated to have recovered from a place near his mobile shop at a petrol pump and investigation has already been completed and the learned Court below has been pleased to take cognizance of the offences treating the petitioner as one of the accused to stand trial there. As per the assertion made in the para 3 of the bail application, the petitioner carries six other cases pending against him but he is stated to be enjoying the privilege of regular bail in all cases.

7. Under the facts and circumstances of the present case, the nature of allegation, since the investigation has already been completed and charge-sheet has been filed, the prayer for regular bail to the petitioner stands **allowed**. Let the petitioner namely, Phul Hasan @ Phul Babu, be released on bail on furnishing bail bond of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the Court of Learned Addl. Chief Judicial Magistrate VI, Darbhanga. With conditions

1. One of the bailors must be the closest relative of the petitioner.
2. The petitioner shall desist from committing any similar or criminal offence in future and if, he gets examined in any criminal case, the prosecution shall have liberty to pray for cancellation of his bonds.
3. The petitioner shall appear on each and every date fixed by the learned trial court and cooperate in the early disposal of the trial and if the petitioner fails to appear on any date, not to the satisfaction of learned trial Court his bail bond deemed to be cancelled.

(Dictated)

(Ajay Kumar Sharma)
Sessions Judge, Darbhanga.
04.06.2026.