

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39288 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Bittu Kumar Son of Paswn Prasad, R/o Village- Dashrathpur, P.S.-
Giriyak, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is languishing in judicial custody since
19.04.2017 in connection with Giriyak P.S.Case No. 127 of 2017
registered for offences punishable under Sections 413/414 of the
Indian Penal Code.

The prosecution case as lodged by the police
personnel is that during course of patrolling they tried to
apprehend one person, who was riding a motorcycle and after
seeing the police he tried to flee away but he was apprehended
and he disclosed his name, Bittu Kumar. On being apprehended
he was asked to show the paper of motorcycle but he failed to do
so.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He further submits that seizure list witnesses are villagers, who are on inimical terms with the petitioner, and charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence. It is submitted that the petitioner did not know that it was stolen motorcycle as he had purchased it from one Munchun Kumar.

However, learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Giriyak P.S.Case No. 127 of 2017, subject to the conditions that one of the bailors would be a close relative of the petitioner and if the petitioner is involved in a similar nature of offence in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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