

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4822 of 2019

Arising Out of PS. Case No.-433 Year-2018 Thana- WARISLIGANJ District- Nawada

BITTU KUMAR aged about 23 years, Male, Son of Shri Mahesh Kumar
Resident of Village- Kochgawn, P.S.- Warisaliganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Kanhaiya Kishore(APP 100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-01-2019 Heard both sides.

The petitioner apprehends his arrest in Warisaliganj
P.S. Case No.433 of 2018 registered under Sections 414 and 34
of the Indian Penal Code.

The informant, a police official, disclosed that while
the informant and other police officials were on vehicle
checking duty, one motorcycle was intercepted. The driver of
the vehicle disclosed that he borrowed the vehicle from Vipin
Kumar, son of Krishna Choudhary, resident of Warisaliganj,
District-Nawada. The driver disclosed his name Rocky Kumar.
When the police went to verify the statement of Rocky Kumar,
Vipin Kumar disclosed that vehicle is stolen one and he
purchased the vehicle from petitioner, Bittu Kumar and Sonu
Kumar. On the basis of the statement of Vipin Kumar, the



petitioner has been made an accused.

The learned counsel for the petitioner submits that the investigating officer did not collect any material to show that in fact, petitioner commit any theft of motorcycle and sold the same to Vipin Kumar. In fact, Vipin Kumar is responsible for keeping the theft motorcycle and not the petitioner. Vipin Kumar in order to save his own skin named the petitioner. Petitioner has got no criminal antecedent.

It appears that the stolen motorcycle was recovered from the possession of Rocky Kumar and on the disclosure of Rocky Kumar that he borrowed the motorcycle from Vipin Kumar, Vipin Kumar disclosed that he purchased the motorcycle from the petitioner but there is no material to show that the petitioner committed theft of the motorcycle or sold the same to Vipin Kumar at any point of time.

Considering the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail 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 A.C.J.M. II, Nawada in connection with Warisaliganj P.S. Case No.433 of



2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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