

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18425 of 2019**

Arising Out of PS. Case No.-732 Year-2018 Thana- KAHALGAON District- Bhagalpur

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BASUKI KUMAR @ BASUKI MANDAL Son of Binod Mandal Resident of
Village - Damodarpur Khutaha, P.S.- Akbar Nagar, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.12.2018 in a case registered for the offences punishable under Sections 401, 413, 414 and 420 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Rajesh Kumar, ASI-cum-SHO, Ghogha Police Station, submitted before the learned CJM, Bhagalpur is to the effect that after having received a secret information that in the house of co-accused Sonu Mandal stolen motorcycles have been kept, a raid was laid in the house of co-accused, Sonu Mandal, from where a motorcycle was recovered, but on being asked by the police, the relevant document of the said



motorcycle could not be produced and it was conveyed that the seized motorcycle has been purchased from co-accused Gautam Kumar, Gulshan Kumar and Amit. Thereafter, the house of co-accused Gautam Kumar was raided, from where two motorcycles were recovered. When co-accused Gautam Kumar disclosed that he along with other associates namely co-accused Deepak Kumar and Anand Kumar used to commit theft the motorcycles from Bhagalpur town and sell the same after changing its registration number. Subsequently, the house of co-accused Deepak Kumar, Gulshan Kumar and Anand Kumar were raided from where, stolen motorcycles were recovered and co-accused Aanad Kumar confessed his guilt. The accused persons also disclosed the involvement of co-accused Arvind and from the house of co-accused Sushil Mandal, a stolen motorcycle was also recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the motorcycle that it was stolen one. The petitioner is the *bona fide* purchaser of the said motorcycle. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the stolen



motorcycle has been recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent , let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kahalgaon P.S. Case No. 732 of 2018.

(Dinesh Kumar Singh, J)

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