

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77612 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- KARJAIN District- Supaul

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VIJAY MUKHIYA @ BIJAY MUKHIYA Son of Late Ramchandra Mukhiya
Resident of Village - Piprahi Ward no.- 03, Post - Basawanpatti, P.S.-
Ratanpura, District - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 413, 414 of the Indian Penal
Code.

Prosecution case as lodged by the police personnel is
that when he and other police person went to DIVAGASTI and
reached near Baysi Chauk and started the checking of vehicle
then he saw two motorcycle one is BR50D4730 and whose
driver is without Helmet and he has not produced any paper of
motorcycle and after quarry driver of that motorcycle is stated
his name as Uday Kumar Yadav and the name of owner of this
motorcycle is Bijay Mukhiya. He has further stated that Uday



Kumar Yadav calls the Bijay Mukhiya in his mobile and asks the paper of motorcycle but Bijay Mukhiya disconnect the mobile. Then police person check other motorcycle and he has also not produced any paper of motorcycle and after quarry driver of that motorcycle is stated his name as Ajay Kumar Yadav and he purchased this motorcycle by one Roushan Kumar then on the basis of suspicion police arrested the Uday Kumar Yadav and Ajay Kumar Yadav and seized the both motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent, has committed no offence and has been falsely implicated due to suspicion. He submits that the motorcycle was recovered from other co-accused Uday Kumar Yadav and there is no recovery of any of the stolen articles from the possession of petitioner. He submits that co-accused Uday Kumar Yadav was arrested by the police along with motorcycle and he confessed the name of this petitioner before the police except confessional statement of Uday Kumar Yadav nothing against the petitioner. He submits that the petitioner has no any manner of concern with the alleged recovered motorcycle. There is no compliance of Section 100 of Cr.P.C. He submits that co-accused Ajay Kumar Yadav has been granted bail by coordinate Bench of this Court vide order dated 20.05.2019 in Cr. Misc.



No. 33009 of 2019. He further submits that petitioner bears no criminal antecedent and he is languishing in judicial custody since 01.08.2019.

In the facts and circumstances of the case, let the petitioner, above named, 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 Judicial Magistrate 1st Class, Birpur, Supaul in connection with Karjain Police Station Case No. 08 of 2019.

(Anjani Kumar Sharan, J)

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