

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61759 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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MOHAMMAD CHHOTU S/o Late Jahagir R/o Mohalla- Sadpura, P.S.- Kazi
Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bela P.S. Case No. 33 of 2021, registered for the offence punishable under Sections 411, 412 and 414/34 of the Indian Penal Code.

The allegation is regarding the police having received secret information that the co-accused persons were riding on a stolen motorcycle, whereafter the police force had chased the co-accused persons and apprehended them. Upon demand being made regarding the registration



documents of the said motorcycle in question, papers could not be produced, however, on interrogation, the apprehended co-accused person, namely, Amar Sharma, disclosed the names of his other associates and also revealed that they were going to hand over the motorcycle to one co-accused person, namely, Nikhil Srivastava for the purpose of selling the same in black market. It is further alleged that thereafter, the police had conducted a raid at the house of the petitioner and arrested him, however, no stolen motorcycle was recovered from his house but upon interrogation he disclosed that he had sold a stolen scooty to the petitioner whereafter, raid was conducted at the house of the petitioner & one stolen scooty was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 15.7.2021. The learned counsel for the petitioner has further submitted that the



petitioner had purchased the scooty in question from the co-accused persons in a bonafide belief that the same was not a stolen scooty, however, subsequently, he has been implicated in the present case and thereafter, it has transpired that the scooty in question is a stolen scooty. It is submitted that the petitioner has not only suffered loss due to loss of the amount paid by him for the stolen scooty but also on account of him being implicated in the present criminal case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in paragraph no. 8 of the present petition that he had purchased the scooty in a bonafide belief that the same was not a stolen scooty and he



would be provided with the original papers / documents, apart from the fact that he is having a clean antecedent and he is languishing in custody since about eight months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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, Muzaffarpur in connection with Bela P.S. Case No. 33/2021.

(Mohit Kumar Shah, J)

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