

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60826 of 2021

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

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NIKHIL SRIVASTAVA @ NIKHIL KUMAR SON OF VINAY KUMAR
SRIVASTAVA @ VINAY KUMAR SINHA RESIDENT OF VILLAGE-
KANHAULI SHAKTINAGAR @ KANHAULI CHAURI, P.S.
MITHANPURA, DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr.Madhura Nand Jha

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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 the petitioner 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.

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.

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 not been arrested from the spot, no stolen motorcycle has been recovered his possession and he has been merely implicated in the present case on the confessional statement of the co-accused person, namely, Amar Sharma, who was arrested by the police along with one stolen motorcycle, apart from the fact that the petitioner is having a clean antecedent, 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 Judicial Magistrate, 1st Class, Muzaffarpur in connection with Bela P.S.



Case No. 33/2021.

(Mohit Kumar Shah, J)

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