

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62709 of 2021**

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

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SHAILENDRA KUMAR Son of Dinesh Prasad Resident of Village - 91,
Darve Bhadaur Tola, Dumariya, P.s.- Bhadaur, Distt.- Patna. Presently
residing at Kanhauli Math, P.S.- Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 01-04-2022 Heard.

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, 414/34 of the Indian Penal Code.

The allegation is regarding the police having received secret information that two miscreants were traveling on a stolen motorcycle, whereafter the police had located and chased them and the co-accused person namely Amar Sharma was arrested, however, his accomplice namely Kundan Sharma managed to flee away. On



interrogation, the said Amar Sharma disclosed that the co-accused person namely Kundan Kumar and Taufik were his accomplices and they had together stolen a motorcycle. It was also disclosed by the said co-accused person that they were going to sell the said motorcycle through co-accused person namely Nikhil Shrivastava. The said Nikhil Shrivastava was also subsequently arrested and he disclosed that he had sold one motorcycle to the petitioner and one to the co-accused person namely Md. Chhotu.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 15.07.2021. The learned counsel for the petitioner has further submitted that the petitioner had under the bonafide belief that the motorcycle in question is having genuine registration papers, purchased the same, however, when he was apprehended by the police, it transpired that the motorcycle purchased by him is a stolen



motorcycle. It is also submitted that the petitioner has been made accused in the present case on account of purchase of the said stolen motorcycle but the fact is that the petitioner was not aware about the said motorcycle being a stolen motorcycle.

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 parties and taking into account the materials available on record as also considering the statement made in paragraph no. 12 of the present petition to the effect that the petitioner had purchased the motorcycle in question bonafidely for a sum of Rs. 12,000/- from the co-accused person namely Nikhil Shrivastava, who had assured that the registration paper will be handed over in due course of time apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 10 months, I deem it fit and proper to admit



the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of J.M.- 1st Class, Muzaffarpur in connection with Bela P.S. Case No. 33 of 2021.

(Mohit Kumar Shah, J)

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