

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48274 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- PHULWARISHARIF District- Patna

SATISH KUMAR, Male, aged about 20 years, SON OF GIRJA RAI
RESIDENT OF VILLAGE- JAPHARABAD TOK, PS- RUSTAMPUR,
DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Phulwari Sharif P.S. Case No. 243 of 2023 dated 14.02.2023
registered for the offence(s) punishable under Section(s) 411,
413 and 414/34 of the Indian Penal Code.
3. As per prosecution, the informant alleged that co-
accused persons disclosed that the stolen motorcycles were sold
to this petitioner based on which five stolen motorcycles were
recovered near the house of this petitioner on his own
confession made before police after he was apprehended from
the alleged spot.
4. The main submissions advanced by the learned



counsel for the petitioner are that petitioner has fair and clean antecedent and one co-accused Pappu Kumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.41297 of 2023 and petitioner has been languishing in jail since 16.02.2023 and in respect of this petitioner, only the offences punishable under Sections 411 and 414 of IPC may attract for which the maximum punishment is three years and his case is on better footing from the co-accused/Pappu Kumar, who is on bail. Further submission is that two co-accused persons Devkinandan Kumar and Prince Kumar have been granted bail by the trial Court itself.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR. The instant matter relates to the recovery of several motorcycles which were suspected to be stolen and initially, co-accused persons, namely, Manish Kumar, Ravi Bhushan and Pappu Kumar were apprehended with stolen motorcycle who disclosed that they used to sell stolen motorcycles to one, namely, Md. Raja and thereafter the police arrested Md. Raja who disclosed that he and other co-accused persons used to sell the stolen motorcycles to the petitioner and thereafter the petitioner was



apprehended and he revealed to the police that several stolen motorcycles had been parked near his house and then the police raided the alleged place situated near the house of this petitioner and they recovered five motorcycles and the said recovery goes to show that the petitioner habitually involved in receiving and keeping the stolen motorcycles and the alleged act of the petitioner may attract the offence of Section 413 of IPC which is a serious offence. Considering the nature of allegation appearing against the petitioner, in my view petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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