

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44607 of 2022

Arising Out of PS. Case No.-346 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

BIRJU KUMAR S/O JALESHWAR RAI Resident of village- Jamuna
Mathia, Tiho, P.S.- Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Singh, Advocate Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Chapra Muffasil P.S. Case No.346 of 2022, registered for the offences punishable under Sections 414, 413/34 of the Indian Penal Code.

The allegation is regarding the informant along with his police force being on patrolling duty and while they were checking vehicle they had intercepted the motorcycle on which three accused persons including the petitioner herein were travelling. It is alleged that the motorcycle in



question was being driven by the co-accused person Mantosh Kumar and upon interrogation, he could not produce the registration documents of the said motorcycle.

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 13.05.2022. The learned counsel for the petitioner has submitted that at best, the petitioner can be stated to be a pillion rider of the motorcycle in question, however, he has got no complicity in the alleged recovery of the stolen motorcycle, which was being driven by one Mantosh Kumar.

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 stolen motorcycle was being driven by co-accused Mantosh Kumar apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than six 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 ACJM-IX, Saran at Chapra in connection with Chapra Muffasil P.S. Case No.346 of 2022.

(Mohit Kumar Shah, J)

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