

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11581 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Bittu Kumar @ Rajnish Kumar S/o Late Sudhir Ray R/o vill - Lalpur, P.s. -
Hathauri, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Bochahan P.S. Case No. 492 of 2023 instituted for the

offences under Sections 379, 414, 34 of the Indian Penal

Code.

3. As per prosecution case, when the Informant

was checking the vehicle at Bhusahi Chowk, in the

meantime, two persons, boarded on motorcycle, were

coming towards him. After seeing the police, they tried to

flee away after turning the motorcycle but, in sequence of

turning, the pillion rider succeeded to flee away but, the



person, who was driving the motorcycle, was apprehended by the police force. On query, he disclosed his name as Bittu Kumar @ Rajnish Kumar (the petitioner). On search, nothing was recovered from his possession except the motorcycle. On further interrogation, he disclosed that the the alleged motorcycle was of stolen one.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner except the motorcycle. The petitioner has no concern with the seized motorcycle. The petitioner is not the owner of the motorcycle. The petitioner was only driving the motorcycle at the time of occurrence. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 03.10.2023. Supplementary charge-sheet has been submitted in this



case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bochahan P.S. Case No. 492 of 2023.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

