

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42028 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- CHIRAIYA District- East Champaran

Manish Kumar, Male, aged about 21 years, Son of Shivpujan Prasad @ Shivpujan Shah, Resident of Village-Shikarganj, P.S.-Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chiraiya (Shikarganj) P.S. Case No. 477 of 2023 instituted for the offences punishable under Sections 379, 411, 413, 414 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons including the petitioner were the gang of stolen motorcycle and selling it in Nepal.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case merely on the basis of disclosure made by the apprehended co-accused persons on account of



village rivalry. He further submits that with respect to alleged recovered motorcycles there is no any case registered with respect to these motorcycles. He next submits that no incriminating articles have been recovered from the conscious possession of the petitioner. There is no any independent witness of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-XVI, Motihari, East Champaran dated 03.04.2024, it appears that the petitioner has been made accused only on the basis of disclosure made by the apprehended co-accused persons on account of village rivalry. There is no any independent witness of the seizure list. Petitioner has been made accused on the basis of statement of the apprehended co-accused namely Md. Ashraf and has no role in this case and has clean antecedent as stated in para 3 of the petition, so considering all these aspects, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka,
East Champaran in connection with Chiraiya (Shikarganj) P.S.
Case No. 477 of 2023, subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

7. However, the trial Court is directed to conclude the
trial as early as possible and also verify the criminal antecedent
of the petitioner within 30 days after accepting the bail bonds of
the petitioner.

(Ramesh Chand Malviya, J)

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