

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54181 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- Bundelkhand P.S. District- Nawada

Mithun Kumar @ Mithun Kumar Kushwaha @ Mithun Kushwaha S/O
Dhaneshwar Mahto R/O Village- Akri Pandey Bigha, P.S- Narhat, Distt.-
Nawada (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bundelkhand P.S. Case No. 21 of 2024 instituted for the
offences under Sections 413 & 414 of the Indian Penal Code.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police party, two persons boarded on two motorcycles
were indulged in altercation. On seeing the police party, both of
them tried to flee away but, one of them was apprehended by
the police and the other one managed to flee away from there,
leaving his motorcycle. The apprehended person disclosed his
name as Mithun Kumar (the petitioner). On query, he disclosed



the name of other person as Laxman Kumar. On being asked about the motorcycles, he disclosed that the glamour motorcycle belongs to him and the other S.P. Shine motorcycle belongs to Laxman Kumar. On demand of paper, the petitioner did not produce any paper of the glamour motorcycle. He further told that he has purchased the same from one Md. Arman but, he failed to produce any paper showing sale of the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the petitioner has purchased the motorcycle, in question, on payment of Rs. 13,000/- from Md. Arman and he had no knowledge that it was the stolen motorcycle. Md. Arman has already been granted by the court below itself. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 04.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of 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 Bundelkhand P.S. Case No. 21 of 2024.

(Rudra Prakash Mishra, J)

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