

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79377 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- MADANPUR District- Aurangabad

Ritesh Kumar S/o- Bharat Ram Village- Runiya PS- Salaiya District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Adv.

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

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

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madanpur P.S. Case No. 321 of 2024 instituted for the offences
under Sections 112, 317(5), 338, 336(3), 340(2) of the B.N.S.,
2023.

3. As per prosecution case, the police has recovered
stolen Apache motorcycle bearing Regd. No. BR 26R 7977
from the possession of the petitioner and, on the disclosures
made by him, the police has also recovered one stolen Hero
Honda Splendor Plus motorcycle from his house.

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. Learned counsel for the petitioner submits that the petitioner had purchased the alleged stolen Apache motorcycle from the co-accused Ranjay Kumar and the petitioner was having no knowledge that the alleged motorcycle which he has purchased from co-accused Ranjay Kumar is stolen one. At the time of arrest, nothing incriminating was recovered from the conscious possession of the petitioner. The petitioner is not the member of any motorcycle thieves gang or in any way related with the same. The petitioner is also not the agent of the thieves gang to sell the theft motorcycle. There is a non-compliance of Section 103 of the B.N.S.S., which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.08.2024 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, stating that the petitioner is named in the F.I.R. and the police has recovered two stolen motorcycles from the possession of 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 and the petitioner having no criminal antecedent, 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 Madanpur P.S. Case No. 321 of 2024.

(Rudra Prakash Mishra, J)

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