

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80359 of 2024

Arising Out of PS. Case No.-258 Year-2024 Thana- MINAPUR District- Muzaffarpur

Kanhaiya Kumar Son of Chullhai Sahni Resident of Village - Gangti, P.S.-
Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Minapur P.S. Case No. 258 of 2024, registered for the alleged offence under Sections 317(5), 338, 336(3), 340(2) and 3 (5) of the B.N.S.

03. As per prosecution case, police received information about a stolen motorcycle kept at the house of co-accused Manibhushan Kumar. A raid was conducted and the co-accused was apprehended and two other co-accused persons fled away from the spot. The apprehended co-accused named this petitioner who sold him the stolen motorcycle. Subsequently, the petitioner was apprehended and it came to the notice of the police that the petitioner used to change the description of the



vehicles after receiving the same from co-accused Ravi Kumar and further used to sell it to other persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of petitioner transpired in this case in the confessional statement of co-accused, Manibhushan Kumar. The recovery has been made from the co-accused and no recovery of any incriminating article has been made from this petitioner. Moreover, co-accused Manibhushan Kumar has been granted bail by this Court vide order dated 23.10.2024 passed in Criminal Misc. No. 75667 of 2024. The petitioner is in custody since 06.08.2024 and is having clean antecedent.

05. The learned A.P.P. opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made hereinabove and considering the remoteness of allegation against the petitioner and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur/court concerned, in



connection with Minapur P.S. Case No. 258 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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