

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79164 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MALAHI District- East Champaran

1. Bhushan Kumar Son of Late Banshi Raut @ Late Bairi Raut Resident of Village - Tejpurwa, Kurmi Tola, P.S. - Malahi, District - East Champaran
2. Vijay Kumar Son of Sheo Pujan Prasad @ Sheopujan Prasad Resident of Village - Tejpurwa, Kurmi Tola, P.S. - Malahi, District - East Champaran
3. Ritesh Kumar @ Nitesh Son of Sheo Pujan Prasad @ Sheopujan Prasad Resident of Village - Tejpurwa, Kurmi Tola, P.S. - Malahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard Mr. Umesh Kumar Gupta, learned counsel for
the petitioners and learned APP for the State.

2. The petitioners are in judicial custody in connection with Malahi P.S. Case No. 38 of 2024 for the offences punishable under Sections 317(4), 317(5), 3(5) of the BNS, lodged on 07.09.2024 by the informant, Vinit Kumar.

3. As per the prosecution story, the informant who is the police office, alleged that in course of raiding the ATM Centres, got secret information that petitioners have kept stolen motorcycles, upon which it raided the houses of the petitioners one by one and there is recovery/seizure of Hero Splendor Plus motorcycles besides the Hero Delux motorcycle, as they failed



to provide any document, the arrest/the FIR.

4. Learned counsel for the petitioners submits that all the stolen motorcycles were sold by Atul Kumar Singh and Nitesh Kumar and they had no knowledge about it being the stolen one. Further, though there is recovery from his house, no one has come forward to claim the motorcycle.

5. Learned APP, Mr. Bharat Bhushan, on the other hand, opposes the prayer submitting that it is not the case of the petitioners that they own the motorcycles, they failed to provide the registration papers, the admitted fact is it is stolen one, simply because no one has turned up, that cannot be a ground.

6. This Court finds force in the submission of the learned APP, the petitioners also have criminal antecedents as would reflect from para-3 of the petition, taking into account the aforesaid facts as also the submissions put forward by the parties, for the present, this Court is not inclined to extend them the privilege of bail.

7. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

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