

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81297 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- BELA INDUSTRIAL District-
Muzaffarpur

Sudhanshu Kumar S/O Late Shyam Prakash Sah @ Late Shyam Prasad
Resident of Village- Hari Shankarpur Baghauni, P.S- Tajpur, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Sharma, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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

ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 59 of 2024 instituted for the offences under
Sections 317(4)/317(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police-party, all the five accused persons including
the petitioner tried to flee away from there but, all of them were
apprehended by the police. It is alleged that the police has
recovered a blue colour Glamour motorcycle bearing Regd. No.
BR-33AC-3836 and a smart phone of Vivo company from the



possession of the petitioner.

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. As a matter of fact, nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner was not arrested on the spot rather he was arrested from his house. The alleged recovered mobile belongs to the petitioner and the petitioner has no concern with the alleged motorcycle. There is no independent witness to the alleged occurrence rather the same are police men. 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 one criminal antecedent and is languishing in judicial custody since 10.08.2024 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.

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, 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 Bela P.S. Case No.
59 of 2024.

(Rudra Prakash Mishra, J)

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