

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84716 of 2024**

Arising Out of PS. Case No.-48 Year-2023 Thana- MEHUSH District- Sheikhpura

Shivam Kumar @ Surendra Yadav @ Munna Kumar Son of Vasant Yadav @  
Bali Yadav R/O Vill.- Rautara Naya Tola, P.S.- Rautara, Dist.- Katihar,  
Presently R/At Vill.- Rawtora, P.S.- Rawtora, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.

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

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

ORAL ORDER

2      09-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Mehush  
P.S. Case No. 48 of 2023 instituted for the offences under  
Sections 379, 411, 413, 414, 420 and 34 of the Indian Penal  
Code.

3. As per prosecution case, the petitioner along with  
other co-accused were arrested on the spot with stolen  
Motorcycle which was seized by the police.

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 was not knowing the fact that the



alleged motorcycle was a stolen one and was just riding the same. He further submits that as a matter of fact, the petitioner had come in search of work and, in due course, he met with the co-accused Naitik Kumar and, on the date of occurrence, he was just going with him for search of work. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has not been put on T.I.P. till today. Charge-sheet has been submitted in this case for offence under Sections 379, 411, 413, 414, 420/34 of the I.P.C. The petitioner has two criminal antecedents and is languishing in judicial custody since 19.09.2023 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Naitik Kumar @ Neksa Kumar has already been granted bail by this Court vide order dated 08.04.2024 passed in Cr. Misc. No. 26275 of 2024.

6. 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 offence alleged against the petitioner is serious in nature. The I.O., after completion of investigation, has submitted charge-sheet under the same sections of the I.P.C. and



the cognizance has also been taken under Sections 379/34, 411/34, 413/34, 414/34 & 420/34 of the I.P.C. and the case has been committed to the court of Sessions.

7. 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 Mehush P.S. Case No. 48 of 2023.

**(Rudra Prakash Mishra, J)**

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