

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8932 of 2025

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

Rabindra Kumar S/o Rajendra Singh R/o Village- Tendua Habait, P.S.- Narari
Kala Khurd, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

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

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

ORAL ORDER

2 07-02-2025 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 co-accused, namely, Ritesh Kumar
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. 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 three criminal antecedents and is languishing in judicial custody since 19.08.2024 without any rhymes or reason. Other co-accused has been granted bail by this Court *vide* order dated 19-11-2024, passed in Cr. Misc. No. 79377 of 2024.

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 Madanpur P.S. Case



No. 321 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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