

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33932 of 2025

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

Bhushan Kumar S/O Late Banshi Raut @ Late Bairi Raut R/O Village-
Tejpurwa, Kurmi Tola, P.S- Malahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the State : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-06-2025 Heard the parties.

2. The petitioner is in custody in connection with Malahi P.S. Case No. 38 of 2024 for the offence punishable under sections 317(4), 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 07.09.2024 by the informant, Vineet Kumar.

3. As per the prosecution story, the informant who is the police officer, alleged that in course or 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. This led to the F.I.R./arrest.

4. Learned counsel for the petitioner submits that motorcycles in question were sold by Atul Kumar Singh and



Ritesh Kumar and though the recovery is there, he had no knowledge about it to be stolen. He has already suffered by being in custody since 08.09.2024 and if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Earlier, the petitioner had moved before this Court in Cr. Misc No. 79164 of 2024 which came to be rejected on 18.11.2024 and this is the second attempt.

7. Considering the submissions of the parties as also his period of custody, the trial is not likely to be concluded in near future, in that background, this Court is inclined to extend him the privilege of bail.

8. If however, it is found that the petitioner has more than one criminal antecedent as has been recorded in paragraph no.3 of the petition, the order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-10, Motihari, East Champaran, in connection with Malahi P.S. Case No. 38 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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