

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69540 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- KANTI District- Muzaffarpur

Md. Shamsher Alam @ Md. Shamsher @ Md. Shamshad S/o- Late Md. Samir Resident of Village - Bakatpur, P.S. - Kanti, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 69598 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- KANTI District- Muzaffarpur

- 1. Aman Kumar @ Nitesh Kumar Son of Suresh Sah Resident of Village- Mubarakpur, P.S.- Panapur Kariyat, District- Muzaffarpur
- 2. Md. Manjur @ Md. Manjur Sah Son of Md. Bahid Sah Resident of Village- Soti Bheriyahi, P.S.- Panapur Kariyat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70792 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- KANTI District- Muzaffarpur

Munilal Pandit Son of Ram Briksh Pandit Resident of Village - Jhitkahi Madhuban, P.S. - Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 69540 of 2024)
For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP
(In CRIMINAL MISCELLANEOUS No. 69598 of 2024)
For the Petitioner/s : Mr.Rajeev Ranjan No. II, Advocate



For the Opposite Party/s : Mr.Murli Dhar, APP
(In CRIMINAL MISCELLANEOUS No. 70792 of 2024)
For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Kanti P.S. Case No. 325 of 2024, registered for the alleged offences under Sections 317(4), 317(5) of B.N.S., 2023.

3. As per prosecution case, police received secret information about a youth using a stolen motorcycle and also indulging in selling the stolen motorcycle. The said motorcycle was intercepted and the co-accused Karan Kumar was apprehended who disclosed the name of other co-accused persons including petitioner Aman Kumar, who used to steal the motorcycle and thereafter, selling the motorcycle to petitioners Md. Manjur, Md. Shamsher and Munilal Pandit, who used to run garage and kabari shops, respectively. In different raids, a number of motorcycles and parts of motorcycles including detached engines and other articles were recovered from the garage of petitioners Md. Manjur and kabari shop of Md. Shamsher and Munilal Pandit.



4. It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. From the FIR it is apparent that the petitioners, Md. Manjur, Md. Shamsheer, Munilal Pandit run garage and kabari shops, respectively and it is quite normal to have motorcycles coming to garage and if there is any problem with engines, engine would be detached and attended. It has been submitted on behalf of petitioner Munilal Pandit that the motorcycle found in the shop of the petitioner was handed over for repair and the owner of the motorcycle could be identified and the petitioner is ready to furnish information in this regard. It has been submitted on behalf of petitioner Aman Kumar that except for confessional statement of co-accused Karan Kumar, there is no material to connect this petitioner with the offences as alleged. It has been submitted on behalf of petitioner Md. Shamsheer that he does not run any kabari shop and the said shop belongs to petitioner Munilal Pandit and while petitioner Md. Shamsheer was there a raid was conducted and he was apprehended along with the other petitioner. Petitioners Md. Shamsheer, Md. Manjur and Munilal Pandit have no criminal antecedent whereas petitioner Aman Kumar is accused in one another case. The petitioners are in custody since 03.07.2024



and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners are members of a gang which deals in stolen motorcycles and a number of stolen motorcycles have been recovered from the possession of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - IIIrd (West), Muzaffarpur /concerned Court in connection with Kanti P.S. Case No. 325 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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