

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.796 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- BARGAINIA District- Sitamarhi

Motiur Rahman Khan @ Matiur Rahman Khan S/O Mustafa Khan @
Mustufa Khan Resident of Village- Siswa, Ward No 7, P.S.- Gaur, Dist-
Rohtahat Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

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

ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bairganiya P.S. Case No. 252 of 2024 instituted for the offences
under Sections 317(4), 317(5) of the B.N.S.

3. As per prosecution case, the police has recovered
stolen motorcycle 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.
The petitioner is a resident of Nepal. Learned counsel for the
petitioner has filed supplementary affidavit sworn in by his
cousin sister, who is a resident of Sitamarhi. Learned counsel



for the petitioner submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the alleged motorcycle and the same has already been released in favour of the owner. There is also no complaint whatsoever as with regard to the alleged stolen 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 one criminal antecedent and is languishing in judicial custody since 27.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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 Bairganiya P.S. Case No. 252 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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