

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25849 of 2016

Arising out of PS.Case No. -145 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

Sukesh Chaudhary, son of Jagdish Chaudhary, resident of village - Chatti,
P.S. Deo, District Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar No.6, Advocate.

For the Opposite Party : Mr. S.M. Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 02.05.2016
in connection with Town P.S. Case No. 145 of 2016 for the
offences instituted under Sections 414/34 of the IPC.

The prosecution story, in brief, is that the informant
alongwith one police personnel stopped one motorcycle riding by
two persons. The petitioner was caught but another person fled
away. He also disclosed the name of fleeing person. On demand,
neither he produced the paper of the motorcycle nor given
satisfactory explanation rather he disclosed that he alongwith
fleeing person have committed theft of the said motorcycle. On his

confessional statement, the said motorcycle was seized and seizure list was prepared in presence of the witnesses.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.05.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. The petitioner had no knowledge that the motorcycle was a stolen property. There is no compliance of Section 100 Cr. P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Town P.S. Case No. 145 of 2016.

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(Sudhir Singh, J)