

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9550 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

Rakesh Chaudhary Son of Sri Rajendra Chaudhary resident of village - Mai,
P.S. Nimchak Bathani, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in jail custody since
03.12.2015 in connection with Nimchak Bathani P.S. Case No.
174 of 2015 registered for the offences punishable under Sections
414/34 of the Indian Penal Code.

The prosecution case, in brief, is that ASI, Vikram
Kumar Jha and other police officials raided the house of Badal
Gupta @ Kailu and recovered a motorcycle bearing Registration
no. BR-01 BT 6085. It is further alleged that police party also
raided the house of the petitioner and recovered a motorcycle
bearing Registration No. BR-01 BT 6085 and arrested both of
them. It is further alleged that police party also raided the house of



Dharmendra Kumar and recovered one Glamour motorcycle, bearing Registration No. BR-21J-8973. It is alleged that Sethi Chaudhary @ Sethiya had returned the said motorcycle to Dharmendra Kumar, as he had purchased the said motorcycle from Dharmendra Kumar, which was stolen. The motorcycles recovered from Badal Gupta @ Kailu and Rakesh Chaudhary were also purchased from Dharmendra Kumar.

It has been submitted by the counsel for the petitioner that petitioner is innocent having no criminal history and has been falsely implicated in the aforesaid case due to dirty village politics. It has further been submitted that petitioner was a bona fide purchaser of the said motorcycle from other co-accused, Dharmendra Kumar, who had assured him to supply all the relevant documents pertaining to the said motorcycle and had no knowledge that the motorcycle was stolen. It has further been submitted that the seizure list does not contain signature of the petitioner.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten

thousand only) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-10th, Gaya in connection with Nimchak Bathani P.S. Case No. 174 of 2015, subject to the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) Petitioner will remain present in course of trial on each and every date fixed and his absence even for a single date without there being any reasonable cause, would automatically entail the consequences of cancellation of his bail bond.
- (iii) Petitioner, in case, indulges in similar nature of offence, that would itself lead to cancellation of his bail bond.

(Nilu Agrawal, J.)

Arjun/-

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