

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50840 of 2017

Arising Out of PS. Case No.-40 Year-2015 Thana- BHANGWANPUR HAT District- Siwan

Chhotu Dubey S/o- Sudama Dubey, resident of Brahmasthan, P.S.-
Bhagwanpur Haat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. SRI PARMANAND KUMAR

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

ORAL ORDER

2 09-11-2017 Heard both sides.

Petitioner is lodged in custody in connection with
Bhagwanpur P.S. case no. 40 of 2015, registered under Sections
413 and 414 of the Indian Penal Code.

The police arrested co-accused Suraj Kumar Mishra @
Nitesh Mishra with a stolen motorcycle. He made a confessional
statement leading to the arrest of the petitioner. A stolen
motorcycle was also found on the house of the petitioner.

Learned counsel submits that the recovery of the
motorcycle from the 'Dalan' would not be considered as
conscious possession. Petitioner has no criminal antecedents.

Learned counsel for the State opposed the prayer and
submits that the learned Court below, on noticing the case



diary, has recorded about the criminal antecedents of the petitioner. Recovery of the stolen motorcycle from his 'Dalan' suggest his complicity in the crime. Prayer for bail is refused.

Petitioner shall, however, be at liberty to renew prayer for bail after six months in the Court below. If any such application is filed, the same shall be considered and disposed of unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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