

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25380 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -JHANJHARPUR District- MADHUBANI

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Nitesh Chaudhary, son of Shyama Nand Chaudhary, Resident of Village-
Godhanpur, P.S. Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2017 Heard Shri Shyama Kant Singh, learned advocate for
the petitioner and learned APP for the State.

The petitioner is seeking regular bail in connection
with Jhanjharpur P.S. Case No. 25 of 2017 registered for the
offence alleged under sections 414, 401 and 413 of the Indian
Penal Code.

According to the prosecution story as contained in the
FIR, the patrolling party in course of investigation of another case
when arrested a non-FIR accused Md. Junaind Alam, the said Md.
Junaid Alam disclosed that he had concealed leg guard and dickey
of the motorcycle which was stolen vehicle in the house of the
present petitioner. It is on this information that the Police party
raided the premise of the petitioner and recovered a motorcycle
and the documents as mentioned in the seizure list (Annexure-2).

The learned counsel for the petitioner would submit
that the petitioner has a clean antecedent as stated in paragraph-3



of the application and there are several other joint family members in the house. Therefore, it cannot be said to have been recovered from his conscious possession. He would further submit that the petitioner is in custody since 22.2.2017 and the investigation is over. As such, custodial interrogation of the petitioner is not required any more and the petitioner undertakes to cooperate in trial making himself present regularly in Court.

The learned APP opposed the prayer and pointed out that there is a recovery as mentioned in the seizure list.

Considering the fact that the petitioner has got clean antecedent as stated in paragraph-3 and that the investigation is over and no further custodial interrogation is required, I am inclined to grant bail to the petitioner, namely, Nitesh Chaudhary on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, Jhanjharpur, District-Mdhubani in connection with Jhanjharpur P.S. Case No. 25 of 2017 subject to the condition that one of the bailors of the petitioner would be a family member having no criminal antecedent and the petitioner shall cooperate in trial by presenting himself regularly and there shall not be any default on this score.

(Rajeev Ranjan Prasad, J)

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