

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4230 of 2018

Arising Out of PS.Case No. -265 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Shankar Choudhary S/o Daroga Choudhary
2. Manoj Kumar Choudhary, S/o Late Algu Choudhary, Both resident of
Village- Aliganj, P.S.- Surajpura, District- Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018 Heard the learned counsels for the petitioners and
the State.

The petitioners seek bail in anticipation of their arrest
in connection with Nokha P.S. Case No. 265 of 2017 dated
05.09.2017 for the offence under Section 395 of the Indian Penal
Code.

One Alok Chandra has lodged the FIR alleging that
his godown was raided and approximately 200 quintals of wheat
was taken away in a truck. The miscreants also took away an
inverter and other valuables kept in the godown.

The petitioners are not named in the FIR. During the
course of investigation, it transpired that the petitioners had talked
amongst themselves and with one Pawan Kumar Gupta. Pursuant
to such information, the godown of Pawan Kumar Gupta was
raided from where 300 bags of looted wheat have been recovered.



Aforesaid Pawan Kumar Gupta is said to have confessed before the police that the wheat which was recovered from his godown was purchased from petitioner no. 1.

Learned counsel for the petitioners has submitted that their implication in the case is, therefore, only on the basis of confession of an accused from whose possession, stolen wheat has been recovered. He further submits that there is no identification mark to identify/ascertain that the bags of wheat which were recovered from the godown of Pawan Kumar Gupta were the stolen bags of wheat.

The petitioners do not have any criminal antecedent.

Considering the aforesaid facts, the petitioners above named, are directed to be released in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas (Sasaram) in connection with Nokha P.S. Case No. 265 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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