

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11001 of 2019**

Arising Out of PS. Case No.-471 Year-2018 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

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SINTOO CHOUDHARY Son of Late Naresh Choudhary R/o village-  
Daradhi, P.S- Sajour ( Shahkund), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Raj Kishore Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      25-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
23.10.2018 in a case registered for the offences punishable  
under Sections 379, 411, 413 and 414 of the Indian Penal  
Code.

The prosecution case got initiated on the basis of  
written report dated 20.07.2018 submitted by ASI, Sanjay  
Kumar Satyarthi to the Station House Officer, Kotwali Police  
Station is to the effect that on the basis of confessional  
statement of wanted co-accused Awadhesh Kumar in  
Kotwali(Tilkamanjhi) P. S. Case No. 443 of 2018 that he along  
with other co-accused persons used to commit theft of  
motorcycles from different places of Bhagalpur District and



sell the same through the proprietors of different garrages, namely, co-accused Amit Kumar Singh, Amit Mandal, Vijay Choudhary. On being received such information, the informant along with the apprehended accused, raided the house of co-accused Sajan Kumar and apprehended him and thereafter raided the house of co-accused Lakho Das and seized two motorcycles from there. It is further alleged that on the identification of co-accused Awadhesh Kumar and Sajan Kumar, the houses of co-accused Mukesh Kumar and his brother Bharat Kumar respectively were raided. On frisking from the house of co-accused Mukesh Kumar, a silver coloured i-smart Motorcycle of Hero Company and from the house of accused Bharat Kumar, a Honda Shine Motorcycle were recovered. It is further alleged that co-accused Awadhesh Kumar confessed that both the seized motorcycles were stolen by him along with co-accused Pandav Kumar, Shintu Choudhary, who is petitioner before this Court and co-accused Sagar Kumar. Subsequently, the house of co-accused Amit Mandal was raided and three motorcycles were recovered from there. Thereafter, on disclosure of co-accused Amit Mandal, a red coloured Splender Motorcycle was recovered from house of co-accused Vikash Paswan.



It is submitted by learned counsel for the petitioner that maliciously the petitioner has been roped in the present case. In fact, neither any recovery has been made from the conscious physical possession of the petitioner nor has the petitioner been put on Test Identification Parade and the investigation has already been concluded. It is further submitted that co-accused Bharat Kumar and Mukesh Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 29.10.2018 passed in Cr. Misc. No. 63910 of 2018. Though the petitioner is accused in three other cases apart from the present case, but out of three in one case he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confession of co-accused from whom the recovery of stolen motorcycles have been made.

Considering the fact that the investigation has already been concluded and neither any recovery has been made from the conscious physical possession of the petitioner nor has the petitioner been put on Test Identification Parade, let the above named petitioner 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 learned  
Chief Judicial Magistrate, Bhagalpur in connection with  
Kotwali(Tilakmanjhi) P.S. Case No. 471 of 2018.

**(Dinesh Kumar Singh, J)**

Ashwini/devendra

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