

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7929 of 2020

Arising Out of PS. Case No.-307 Year-2019 Thana- MADHUBAN District- East Champaran

Nitesh Kumar Kushwaha S/o Bhikhu Prasad Resident of Village- Jogauliya
Bazar, Kharsal, P.S.- Madhuban, District East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Karandeep Kumar, Advocate
For the Opposite Party : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 10-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection
with Madhuban P.S. Case No. 307 of 2019 for offences under
Sections 457 and 380 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent. Learned counsel submits
that the allegation against the petitioner is that he was involved
in committing theft of Rs. 13,600/- and ornaments from the
house of the informant and the petitioner along with 4-5 accused
persons succeeded in fleeing away from the place of occurrence
after leaving his motorcycle. On search of the dicky of the
motorcycle, 4 bottles of foreign liquor was recovered.

Learned counsel further submits that nothing was



recovered from conscious possession of the petitioner and the story as set out in the prosecution case is difficult to believe.

Considering the fact that the petitioner has no criminal antecedent and petitioner along with 4-5 accused persons committed theft and left the motorcycle containing 4 bottles of foreign liquor, this Court is inclined to grant bail to the petitioner. Let petitioner, above-named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge under Excise Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 307 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further condition that the petitioner shall render his service as volunteer in the District Health Centre for a period of one month in dedicated Covid hospital. He is required to report the District Nodal Officer in the concerned region who shall utilise the service of the petitioner appropriately.

(Anil Kumar Upadhyay, J)

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