

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13295 of 2022**

Arising Out of PS. Case No.-96 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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SURESH CHAUDHARY Son of Late Khedan Chaudhari Resident of Village
- Patarakha, P.s.- Manuapul, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.M.P. Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. M.P.
Mehta, learned A.P.P. for the State.

This application has been filed pursuant to the liberty
granted by this court to the petitioner while withdrawing Cr.
Misc. No. 42807/2021.

Petitioner, in the present case, is seeking regular bail
in connection with Bettiah (Town) P.S. Case No. 96 of 2021
registered for the offences punishable under Section 413/414/34
of the Indian Penal Code & 25(1-b)a/26 of the Arms Act. He is
in custody since 11.02.2021 having three criminal antecedents



though it is not stated in paragraph '3' that the petitioner is on bail in those cases, but Mr. Sanjeev Kumar, learned counsel for the petitioner has submitted at the bar that the petitioner is on bail in all the three cases.

Learned counsel submits that as per the first information report the two persons namely, Lal Mohammad @ Anil Mian and Mozahid Mian were pat when they were sitting over a Splendor Pro Motorcycle and were trying to unlock the said motorcycle. From the possession of Lal Mohammad a country made Katta loaded with live cartridge, a master key and a Hero Splendor motorcycle were recovered, whereas as master key was recovered from the possession of accused Mozahid Mian. In his confessional statement Lal Mohammad took the name of this petitioner and disclosed that a stolen motorcycle is kept with the co-accused Brij Kumar Choudhary and Suresh Chaudhary (the petitioner), thereafter the police raided the house of the petitioner and recovered one motorcycle from the house of this petitioner.

Learned counsel submits that it is a case of false implication of the petitioner, the motorcycle in question is not a stolen motorcycle rather the first owner of the motorcycle is one Ramjee Mahto who has transferred the same in favour of Sri



Emam Hasan. The motorcycle has been purchased in the name of the aunt of the petitioner and the same is to be transferred in her name. The said Sri Imam Hasan has not lodged any case with respect to theft of the motorcycle. Learned counsel further submits that co-accused Brij Kumar Choudhary from whose possession also a motorcycle was recovered has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 40701 of 2021 and another accused Mahanth Mahto @ Mahanth Mahato has been granted bail in Cr. Misc. No. 39213 of 2021 respectively. The petitioner is in custody for one year and three months, investigation against him is complete and if released on bail he is ready to abide by the terms and conditions which may be imposed against him by this court.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering that the petitioner is in custody for about one year three months and the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, in connection with Bettiah



(Town) P.S. Case No. 96 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

