

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73647 of 2022

Arising Out of PS. Case No.-400 Year-2017 Thana- PARBATTa District- Khagaria

Sadhu Choudhary @ Rajesh Kumar, Son of Late Yogendra Choudhary, R/o
Village- Jankichak, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 400/2017, G.R. No. 3302/2017 registered for the
offence under Section 414 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.10.2022.

The allegation against the petitioner is to have in
possession of five motorcycles alleged to be stolen, which
recovered from the “**Bhushkhar**” in front of the house of one
Mahendra Choudhary.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated in present case on the basis of suspicion. It is also pointed out that the alleged five motorcycles were recovered from the place, which is accessible by general public and as such, it cannot be said that recovery of stolen motorcycles were made from conscious physical possession of this petitioner. It is also pointed out that on the next day of recovery, brother of this petitioner, namely, Kanhaiya Choudhary presented documents of three motorcycles in support of the fact that same are not stolen. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as alleged recovery of stolen motorcycles not appears to be made from conscious physical possession of this petitioner, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No. 400/2017, G.R. No. 3302/2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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