

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30993 of 2015

Arising Out of PS.Case No. -208 Year- 2001 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Sushil Chaudhary @ Sushil Nonia Son of Jagdish Chaudhary @ Jagdish
Nonia R/o village - Sherwa, P.S. Bagaha, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 02-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 364A/34 of the I.P.C and section 27 of
the Arms Act.

Allegedly, 5-6 unknown miscreants kidnapped Prabhu
Dayal Prasad the son of the informant after opening fire and went
away.

Submission is that the petitioner is not named in the
F.I.R. The victim after release has also not stated the name of the
petitioner. The petitioner being influenced by the surrendering
policy of the Government has surrendered voluntarily with arms

and ammunitions on 20.07.2014 and thereafter he has been remanded in this case on 20.08.2014 but he has not been put on test identification parade though the victim has claimed to identify the culprits and without any cogent and legal evidence charge sheet has been submitted against him. There is no chance of his tampering with the prosecution evidence or of his absconding, to which the learned A.P.P. does not dispute.

In the facts and circumstances as stated above, the petitioner is directed to 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 A.C.J.M. Bagaha, West Champaran in Bagaha P.S. Case No. 208 of 2001, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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