

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28720 of 2015

Arising Out of PS.Case No. -614 Year- 2012 Thana -KHAGARIA District- KHAGARIA

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Ajay Chaudhary, son of Late Nityanand Choudhary, resident of Village- Jai Prakash Nagar, P.S. Khagaria (Muffasil), District Khagaria.

.... Petitioner/s

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 02-09-2015

Counter affidavit has been filed on behalf of informant containing Annexure-A, which discloses presence of twenty case against the petitioner's family. There happens to be no specific disclosure regarding the petitioner. At the other end petitioner had disclosed under para-3 of his bail petition that he happens to be an accused in connection with Khagaria (Muffasil) P.S. Case No.589 of 2012 as well as Khagaria (Muffasil) P.S. Case No.460 of 2002. Informant, though filed the counter affidavit but failed to disclose in how many cases petitioner happens to be an accused.

At an earlier occasion while refusing the bail vide order dated 31.07.2014 under Cr. Misc. No.20115 of 2014 it was held "For the present, I do not see it a fit case for grant of bail. So far, plea of Ajay Chaudhary is concerned, consequent thereupon his prayer for bail is rejected."

Seen the report furnished by the learned lower court wherefrom, it is evident that in spite of having record received at his office after commitment, the same has not yet been proceeded with on account of absence of co-accused and for that, non-bailable warrant of arrest has already been issued. Furthermore, petitioner happens to be under custody since 28.03.2014.

In the aforesaid facts and circumstances of the case, petitioner Ajay Chaudhary is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned First Additional Sessions Judge, Khagaria in connection with Sessions Trial No.301 of 2014 arising out of Khagaria (Muffasil) P.S. Case No.614 of 2012, subject to condition that (a) he will have his physical presence on each and every date till framing of charge, (b) he will not indulge in terrorizing upon any of the prosecution witnesses. In case there happens to be violation at his end on that very score, the learned lower court will be at liberty to pass appropriate order in accordance with law.

(Aditya Kumar Trivedi, J.)

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