

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27317 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -MUFFASIL District- AURANGABAD

1. Dudheshwar Chaudhary Son of Late Sagar Chaudhary resident of village-
Lembua, P.S.- Amas, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.37190 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -MUFFASIL District- AURANGABAD

1. Sanjay Choudhary @ Sanjay Kumar, Son of Dudheshwar Choudhary,
resident of Village- Lembua, P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.27317 of 2015)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Madan Kumar(App)

(In Cr.Misc. No.37190 of 2015)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 14-10-2015 Both the Criminal Miscellaneous are of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 395, 412 and 406/34 of the I.P.C

The informant who is owner of the truck gave written application that the driver and khalasi had gone to Bihar on 24.08.2014 after loading *Jeera* and in the way he was informed that his truck has been stolen away near Bajidpur road at N.H. 2 on 26.08.2014. Thereafter the informant searched the truck and enquired about the same from the driver and khalasi but they did not reply satisfactory and accordingly the case was registered. During investigation names of the petitioners transpired in the confessional statement of co-accused Md. Aslam and the stolen articles have been recovered from possession of other co-accused.

Submission is of false implication and that in this case after completing investigation charge sheet has been submitted under sections 395 and 412 I.P.C and the Trial Judge has been pleased to find charges under sections 406, 407, 414 and 120 (B) of the I.P.C. Nothing has been recovered from possession of the petitioners and they are suffering in custody since 07.09.2014 and 26.04.2015 respectively. Further, similarly situated co-accused Shahadat Khan who has confessed his guilt has already been allowed bail by order dated 29.07.2015 vide Cr. Misc. No. 10098 of 2015 by another Bench of this Court.

The learned A.P.P. opposes prayer for bail by submitting that the petitioners have also confessed their guilt and in the case diary there is sufficient material to show their involvement in commission of the offence, but fairly submits that nothing has been recovered from their possession.

In the facts and circumstances as stated above, considering that similarly situated co-accused Shahadat Khan has been allowed bail by another Bench of this Court, the petitioners are also directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Aurangabad in Mofassil P.S. Case No. 215 of 2014, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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