

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57432 of 2015

Arising Out of PS.Case No. -299 Year- 2015 Thana -WAJIRGANJ District- GAYA

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1. Ajay Choudhary, Son of Late Raja Choudhary, resident of Village-Tarwa, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection Wazirganj with P.S. Case No. 299 of 2015 registered for offences punishable under Sections 379/414 of the Indian Penal Code.

The prosecution case is based on written report of Santosh Kumar S.H.O. Wazirganj wherein it is alleged that on 15.07.2015 at about 07.00 A.M. he received an information that some stolen computers and other utensils of school are kept in the house of co-accused Pradeep Choudhary son of Krishna Choudhary. After receiving the information he along with other Police officers and



armed forces of the police station proceeded for verification and surrounded the house of Krishna Choudhary and started search in the house. During search, computer set and some other utensils were recovered from the house of co-accused Pradeep Choudhary who, on query disclosed that he with the help of other co-accused including petitioner have committed theft in High School, Sirdalla and took away 12 Computers and other utensils of midday meal and out of them one computer set and utensils have been given to him as his share. It is further alleged that co-accused Pradeep Choudhary has also accepted that they had also committed theft in Navdiha and Rasalpur School and disclosed that he had gone to Ghati School for committing theft but due to hulla he succeeded to flee, but he could not take his Motorcycle which is kept in Wazirganj Police Station.

It has been submitted by the counsel for the petitioner that the petitioner's name surfaced on the basis of extra judicial confession of co-accused of one Pradeep Choudhary which has no evidentiary value in the eye of law. Furthermore, it has been submitted that the said Pradeep Choudhary has since been granted bail in A.B.P. No. 338 of 2015 and 2397 of 2015 from the Court of the learned Additional Sessions Judge, V, Gaya on 19.11.2015 and there was no basis on which allegation against the petitioner under

Sections 379 and 414 of the Indian Penal Code can be substantiated. It has further been submitted that the petitioner has no criminal antecedent which is evident from paragraph No. 3 of this application.

Be that as it may, let the petitioner Ajay Choudhary in the event of his arrest/surrender within a period of eight weeks from today before the Court below 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 the learned Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No. 299 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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