

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6547 of 2017

Arising Out of PS.Case No. -816 Year- 2016 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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Binod Chaudhary @ Binod Choudhary, Son of Sri Shiv Prasad Chaudhary, resident of Village- Bansa, P.S.- Sasaram (Muffasil), District- Rohtas at Sasaram (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-02-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 19.07.2016 in connection with Sasaram Town (Muffasil) P.S. Case No. 816 of 2016 for the offences alleged under Sections 384, 387, 414, 120(B) of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act and Sections 3 and 4 of the Explosives Act.

3. It is submitted that the petitioner has been falsely implicated and there is unexplained delay in instituting the F.I.R. on 18.07.2016 for the alleged occurrence on the night of 16.07.2016. Even prior to the alleged occurrence, the petitioner and other members of the family were picked up by the police party on the night of 15.07.2016 itself as evident from the fax message to this effect sent by the petitioner's wife to the Superintendent of Police and the Deputy Inspector General. There is overwriting in the seizure list with regard to the date of seizure which casts further doubt upon the prosecution case. Similarly situated co-accused Raj



Kumar Chaudhary has been granted bail by this Court in Cr. Misc. No. 45494 of 2016.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, in connection with Sasaram Town (Muffasil) P.S. Case No. 816 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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