

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36838 of 2017

Arising Out of PS.Case No. -381 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Sikandar Choudhary, son of Late Ram Charitar Choudhary, resident of
Mohalla Dehri, P.S. Dehri-on-Sone, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
 2. Ajit Kumar Singh, Section Officer, Legal Cell, Patna High Court, Patna
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner, learned

counsel for the Patna High Court Legal Services Committee

and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.04.2017 in connection with Mohania P.S. Case No. 381
of 2015 registered for the offence punishable under Sections
420, 468 and 120(B)/34 of the Indian Penal Code.

The First Information Report has been instituted
against the petitioner on the direction of this Court as the
petitioner was pairvikar and as father of accused had sworn
affidavit in Cr. Misc. Nos. 32293 of 2006 and 54083 of
2006, which were rejected. Again Cr. Misc. No. 22595 of



2007 was moved by accused Sunil Kumar Chaudhary for grant of bail in connection with Mohania P.S. Case No. 64 of 2006 and had stated that he has not moved this Court either for anticipatory bail or for regular bail and had suppressed the fact that Cr. Misc. Nos. 32293 of 2006 and 54083 of 2006 filed by accused Sunil Kumar Chaudhary for grant of bail were earlier rejected in which the petitioner had sworn affidavit. Shanti Devi, informant of Mohania P.S. Case No. 64 of 2006 filed Cr. Misc. No. 43042 of 2007 for cancellation of bail granted to Sunil Kumar Chaudhary in Cr. Misc. No. 22595 of 2007 for concealment of the said fact, as such, bail granted to the petitioner was cancelled on 11.03.2008. Again Shanti Devi, informant of Mohania P.S. Case No. 64 of 2006 filed Cr. Misc. No. 31102 of 2008 for inquiry against the petitioner for swearing false affidavit in Cr. Misc. No. 22595 of 2007 and other cases so filed. Accordingly, on the direction of this Court, Mohania P.S. Case No. 381 of 2015 was instituted against the petitioner and his son Sunil Kumar Chaudhary for having committed fraud upon this Court.

It has been submitted by the learned counsel for



the petitioner that his son was also made accused in the present case and has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 15553 of 2016 on 19.04.2016 on the ground that he was in custody in Mohania P.S. Case No. 64 of 2006 and he was not aware about the suppression of facts by the petitioner and that he has been suitably punished as he is languishing in judicial custody for more than four months and undertakes not to do such acts in future. He submits that he is an old man and considering the period of custody, a sympathetic consideration be given.

However, learned counsel appearing on behalf of the Patna High Court Legal Services Committee submits that thrice the petitioner has played fraud upon this Court and when he was asked to appear in the case filed by Shanti Devi, he did not appear, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and that petitioner has no criminal antecedent and had sworn false affidavit in the case for his



son, Sunil Kumar Chaudhary and considering the period of custody, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 381 of 2015 on completion of six months in custody.

However, it is made clear that if, in future, petitioner commits such offence, the bail bonds of the petitioner will be liable to be cancelled.

(Nilu Agrawal, J.)

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