

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44751 of 2017

Arising Out of PS.Case No. -125 Year- 2015 Thana -BELDAUR District- KHAGARIA

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1. Damodar Choudhary, Son of Ganeshi Choudhary, Resident of Village-Shreepur, P.S.- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-09-2017

Heard learned counsel for the petitioner and

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

Petitioner, in the present case, is seeking regular bail in connection with S.T. No. 14/2016 arising out of Beldaur P.S. Case No. 125 of 2015 registered for the offence punishable under Sections 397 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner transpired in the present case in the confessional statement of the co-accused. No recovery has been made from the possession of this petitioner, he is in custody since 04.08.2015, and the co-accused, from whose possession the mobile phone of the



victim was recovered, has been granted bail by a coordinate Bench of this Court, vide order dated 19.07.2017, passed in Cr. Misc. No. 31582/2017. The order-sheets of the bail orders granted to other co-accused Chano Mandal and Dinesh Ram have also been enclosed to show that the accused from whose possession certain recoveries were made have already been granted bail. Till date, no T.I.P. has been conducted and since there is no recovery the petitioner may be granted same privilege. He further submits that there is only one case on the head of this petitioner in which he is on bail.

Learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner but accepts the factual position that the persons from whose possession certain recovery has been made have been granted regular bail by a coordinate Bench of this Court. So far as present petitioner is concerned, there is no recovery from his possession.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of



the like amount each to the satisfaction of the learned Additional & Sessions Judge – IIIrd, Khagaria, in connection with S.T. No. 14/2016 arising out of Beldaur P.S. Case No. 125/2015, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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