

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55542 of 2017

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1. Chhotu Choubey, S/o Gokhulanand Choubey,
2. Pappu Choubey, Son of Gokhulanand Choubey,
3. Vijayh Choubey, Son of Dharamdeo Choubey,
4. Madhusudan Gupta, Son of Late Parikhan Sao,
5. Ajay Choubey, Son of Late Nand Kishor Choubey, All residents of
Village- Mahathu, P.S.- Jamhore, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-11-2017 Heard learned counsel for the appellants and learned
A.P.P. for the State.

Earlier prayer for privilege of bail have been granted
to the appellants No. 1 and 3 on 20.09.2017 in Cr. Appeal (SJ) No.
2747 of 2017 and by the same order, prayer for pre arrest bail of
appellant Nos. 2 and 4 has been rejected.

Submission of the learned counsel for the appellants is
that the appellant No. 5 could not be found vide order dated
20.09.2017 passed in Cr. Appeal (S.J.) No. 2747 of 2017 and it is
the only appellant Nos. 2, 4 and 5 were directed to be released on
bail.

Learned A.P.P. referred the matter also.



In view of the submissions, it appears that appellant No. 5 could not be typed in the impugned order dated 30.08.2017.

In that view of the matter the appellants seek modification of the order dated 20.09.2017 passed in Cr. Appeal (S.J.) No. 2747 of 2017 in which the appellant No. 5 Ajay Choubey, son of Late Nand Kishore Choubey be added and the order dated 20.09.2017 passed in Cr. Appeal (S.J.) No. 2747 of 2017 is modified to the extent as above.

So far appellants Nos. 2, 4 and 5 are concerned, let them surrender within six weeks and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum- Special Judge, SC/ST Act, Aurangabad, in connection with Jamhore P.S.Case No. 52 of 2017, subject to the conditions as laid down under Section 438 (2)of the Criminal Procedure and further the following conditions:-

i) One of the bailors must be of local person having sufficient immovable property within the jurisdiction of this Court and II) they will cooperate in the trial and appear before the Court concerned on each and every date fixed in the case, failing which their bail bonds will be cancelled.



With this observation, this application is according
allowed.

(Vinod Kumar Sinha, J)

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