

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17681 of 2017

Arising Out of PS.Case No. -99 Year- 2013 Thana -KARAHGAR District- SASARAM (ROHTAS)

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VISHWAJEET CHOUDHARY @ VISHU CHOUDHARY @ VISHNU,
son of Sri Gupteshwar Choudhary, resident of Village- Barun, P.S.- Barun,
District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 21-06-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner wants to renew his prayer for bail which was earlier rejected by order dated 27.06.2016 passed in Cr. Misc. No. 17691 of 2016 on the ground that the petitioner is suffering in custody since 06.09.2014, nothing has been recovered from possession of the petitioner and the trial has not been expedited and concluded and the case has been only committed and up till now no charge has been framed. The test identification parade conducted appears suspicious and from the T.I. Chart it reveals that witness Sujit Kumar stated that the petitioner was driving black coloured Apachi motorcycle, whereas, witness Munna Singh has stated that the petitioner was driving red coloured Pulsar motorcycle and witness Ravindra Singh has stated



that the petitioner was driving motorcycle. So no reliance can be placed upon such test identification parade. Moreover the petitioner has been sufficiently panelized as nothing has been recovered from his conscious possession.

The learned A.P.P. submits that the petitioner has got criminal antecedent also.

In the facts and circumstances as stated above, considering custody of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1st, Sasaram at Rohtas in S.Tr. No. 581 of 2015 arising out of Karahgar P.S. Case No. 99 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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