

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47552 of 2017

Arising Out of PS.Case No. -263 Year- 2015 Thana -PIRBAHOR District- PATNA

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1. Bhola Kumar Choudhary Son of Vijay Choudhary, R/o Mohalla-
Alamganj Chowki Kabir Matha, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.09.2016 in connection with Pirbahor P.S. Case No. 263/2015
for offences punishable under Sections 420/379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he got a mobile number from his friend, who stated that the
said person is engaged in sale of mobile at cheaper rate. Thereafter
the informant talked on the said mobile number and was called to
meet him, who took away his two mobiles and Rs. 6,000/- on the
pretext of giving new mobile.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case only on the basis of confessional statement of co-accused and his own extra judicial confessional statement before the police, which has no evidentiary value in the eye of law. He submits that no T.I. Parade has been done so far and just after the present case petitioner has been made accused consecutively in two more cases and except that petitioner has no criminal antecedent. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody for more than a year.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as two case of similar nature, are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahor P.S. Case No. 263/15, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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