

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19225 of 2017

Arising Out of PS.Case No. -15 Year- 2016 Thana -LUTUA District- GAYA

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1. SAKIL CHAUDHARY@ SKILL CHAUDHARY Son of Kamlesh
Chaudhary resident of village - Sakti Asthan, P.S. Chakand, District - Gaya.
..... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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

ORAL ORDER

2 17-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Lutua P.S.
Case No. 15 of 2016 registered for the offences punishable under
Sections 414, 120(B) of the Indian Penal Code and Section 25 (1-
B)a /26, 35 of the Arms Act.

Allegedly, co-accused Deva Chaudhary was
apprehended and thereafter, Rahul Chaudhary and Rajan
Chaudhary were apprehended and from their possession, besides
fire arm, incriminating articles were recovered and they also stated
the name of the petitioner and others.

Submission is of false implication and that save and
except confessional statement of co-accused, there is no other
material against the petitioner. He has not been apprehended at the



spot, nothing has been recovered from conscious possession and he is in custody since 18.11.2016. Similarly situated co-accused Gauan Pasi has been allowed bail vide order dated 11.04.2017 passed in Criminal Miscellaneous No. 17872 of 2017 by another co-ordinate Bench of this Court and, as such, petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that the petitioner was not apprehended at the spot.

In the facts and circumstances stated above, the above named petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghati (Gaya) in connection with Lutua P.S. Case No. 15 of 2016 subject to the conditions that one of the bailors must be 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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