

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15005 of 2018

Arising Out of PS. Case No.-755 Year-2014 Thana- KHAZANIHAT District- Purnia

Chotu Chauhan @ Ajay, S/o Nand Lal Chauhan@ Botta Chauhan, R/o
Village- Pasi Tola, Jalalgarh, P.S.- Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with Sessions
Trial No. 04 of 2018, arising out of K.Hat P.S. Case No. 755 of
2014 for the offence alleged under Sections
379,365(A),364,120B,328,302,201,411/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is that
the driver Md. Rojid had taken an unknown passenger in his
Auto Rickshaw, but the Auto Rickshaw was found in abandoned
condition and the driver was not found. Later on, his dead body
was recovered and from mobile nos. 8759780901 and
9576070978, ransom was demanded on mobile of the informant.
Thereafter, from possession of co-accused Ajay Sharma, mobile



of the driver was recovered and on the confessional statement of co-accused Kanhaiya Sharma, name of the petitioner surfaced.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his possession and that the other co-accused similarly situated has already granted privilege of bail by coordinate bench of this court in Cr. Misc. No. 30749 of 2015 vide order dated 30.10.2015. He undertakes to cooperate in the trial and be present on day to day basis before the trial court.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record and since similarly situated co-accused has already been granted privilege of bail, let the 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 the learned 1st Additional Sessions Judge, Purnea, in connection with S.Tr. No. 04 of 2018, arising out of K.Hat P.S. Case No. 755 of 2014, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner



having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

2. 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.

(Nilu Agrawal, J)

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