

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2393 of 2019

Arising Out of PS. Case No.-305 Year-2017 Thana- ATRI District- Gaya

Upendra Chaudhary @ Upa Chaudhary, aged about 25 years, (M) Son of
Suresh Chaudhary Resident of village Chakra PS Atri District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 28-02-2019

Heard learned counsel for the parties.

Petitioner seeks bail in **Atri P.S. Case No. 305 of 2017 (S. Tr. No. 78 of 2018)** registered for the offence punishable under Sections **399, 402 and 414** of the Indian Penal Code and under Section 25(1-b)a, 26 and 35 of the Arms Act.

Informant who is a police officer has stated in his written complaint that on 07.12.2017 on receipt of an information about some criminals had assembled to commit dacoity and on said information he along with other police personnel raided the place and on seeing police party all accused started fleeing away but on chase two criminals were apprehended and on their confession name of the petitioner has been implicated in this case. It has been further alleged that on search of two apprehended co-accused arms and cartridges were



recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case only on the basis of confessional statement of co-accused, Hari Nandan Yadav @ Haran Yadav and Shambhu Prasad. He is not named in FIR. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court vide order dated 12.04.2018 passed in Cr. Misc. No. 13424 of 2018 and vide order dated 08.05.2018 passed in Cr. Misc. No. 21340 of 2018. Petitioner has got no criminal antecedent and is in custody since 09.12.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge- VIII, Gaya**, in connection with **Sessions Trial No. 78 of 2018 arising out of Atri P.S Case No. 305 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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