

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13423 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- WAJIRGANJ District- Gaya

AKHILESH CHAUDHARY @ AKLESH CHAUDHARY, aged about 28
years, Male, Son of Rajabali Chaudhari, R/o village- Simariya , P.S- Fatehpur,
District- Gaya ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Paras Nath, Adv.
For the Opposite Party : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
17.10.2018 in connection with Wazirganj P.S. Case No. 330 of
2018 for the offences alleged under Sections 392, 395 and 412
of the Indian Penal Code and under Sections 25(1-B)A, 26, 27
and 35 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he is running a customer service center of the State Bank of
India and has assigned his staff, Gautam Rajvanshi, to withdraw
some money from the Bank who was carrying cash of
Rs.1,40,000/- which has been snatched from the said Gautam
Rajvanshi by three criminals on pistol point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information



report, the petitioner was apprehended later on and a country made pistol with one fused cartridge and Rs.2,000/- was recovered with some coins. He submits that petitioner has been falsely implicated on suspicion and is languishing in judicial custody since more than four months. Charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. It has, further, been submitted that the petitioner has got no criminal antecedent, which is evident from paragraph 3 of the present application.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the materials on record and the nature of allegations as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Wazirganj P.S. Case No. 330 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Gaya, 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) 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)

Shamshad/-

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