

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82282 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- BATHNAHA District- Sitamarhi

DIPU CHOUDHARY Son of Ramlal Chaudhary @ Ram Lala Chaudhary R/o
Village- Lachua, Ward No.6, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 399, 414 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act, registered in connection with Bathanha P.S.Case No. 158 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on the extra-judicial confessional statement of co-accused Dipak Kumar @ Lakhan. Only two co-accused persons including the said Dipak Kumar @ Lakhan out of four persons apprehended, were found to be carrying arms. No recovery of any incriminating articles has been made from the conscious possession of the petitioner. The petitioner is accused in two prior cases, in one of which he has been acquitted and in other he is on bail.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date



of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Purnea in connection with Bathanha P.S. Case No. 158 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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