

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18179 of 2020**

Arising Out of PS. Case No.-366 Year-2019 Thana- JAGDISHPUR District- Bhojpur

MAN MOHAN CHAUDHARY @ MOHAN CHAUHAN @ MAN MOHAN
CHOUHAN @ MOHAN CHAUDHARY S/o Sriram Chauhan @ Ram
Chaudhary @ Sri Ram Chaudhary Resident of Village- Mahdah Masarh, P.S.-
Buxar (M), Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr Choubey Jawahar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard Mr Anil Kumar Roy, learned counsel for the
petitioner as well as Mr Choubey Jawahar, learned APP for the
State.

Petitioner seeks bail in Jagdishpur Police Station (for
brevity, PS) Case No 366 of 2019 instituted for the offence
punishable under Sections 414 of Indian Penal Code and



Section 25 (1-B)A, 26, 35 of Arms Act.

Prosecution case is that the police personnel, while on patrolling duty, have arrived at the place on receiving information that some miscreants were planning a robbery. It is alleged that three persons tried to flee away on a motorcycle. On chase, petitioner was caught and on search, one motorcycle key, one motorcycle without number, one live cartridge and one mobile phone were recovered. Petitioner has not produced any paper showing ownership of the motorcycle. The petitioner has been apprehended in the aforesaid manner.

It is submitted by petitioner's counsel that the petitioner is in custody since 09.12.2019. Seizure is not in accordance with law. It is further submitted that there is no recovery from the physical possession of the petitioner or his house. The petitioner's implication is only due to his criminal antecedents. However, the petitioner is on bail in one of the three cases, instituted earlier, namely, Buxar Mufassil PS Case No 299 of 2018.

The learned APP for the State opposed the prayer for bail. It is submitted that three cases are pending against the petitioner from before.

Considering the rival submissions, this Court is



inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in Jagdishpur PS Case No 366 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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