

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62793 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- BAKHARI District- Begusarai

Bibhuti Chaudhary, S/O Late Udit Chaudhary, R/O- Vill.- Parihara, P.S.-
Bakhari, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey- Advocate

For the Opposite Party/s : Mr. Nityanand- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 29-05-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner is in custody since 09.06.2019 and seeks bail in connection with Bakhari P. S. Case No.125 of 2019 registered for the offences punishable under Section 392 of the I.P.C.

Petitioner is not named in the first information report, but in course of investigation, on the basis of suspicion, he was arrested and made his confessional statement before the police. Subsequently, petitioner was put on Test Identification Parade and he was identified by the informant.

Submission on behalf of the petitioner is that



petitioner has litigating term with his co-villager namely Rani Paswan, who prior to the alleged occurrence, had lodged Ballia (Parihara) P. S. Case No.09 of 2009 against the petitioner and informant of the present case has visiting term with the above stated Rani Paswan, which is evident from Para-9 of the case diary in which the statement of one Usha Devi, who happens to be the family member of Rani Paswan, has been incorporated. Learned counsel for the petitioner further submits that aforesaid witness Usha Devi claimed in her statement that on the alleged date and time of occurrence, the informant had visited the village Parihara. He further submits that Para-80 of the case diary shows that informant himself appeared before the Investigating Officer and prayed for his Test Identification Parade. Continuing his submission, he has submitted that all the above stated facts go to show that the entire Test Identification Parade was manipulated and the petitioner was well-known to informant prior to the alleged occurrence. He further submits that no doubt, petitioner does have criminal antecedent of some cases, but as a matter of fact, almost all the cases were lodged against the petitioner due to village politics and enmity.

Learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner does have criminal



antecedent of similar nature of offences and he had been identified by the informant in T. I. Parade.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and taking note of this fact that petitioner is languishing in jail custody since last eleven months and the investigation against him has already been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bakhari P. S. Case No.125 of 2019.

However, it is made clear that if the petitioner fails to make available sureties due to lockdown as well as due to prevailing situation, the concerned court shall release the petitioner provisionally on personal bond with condition that petitioner shall furnish the sureties when lockdown is over.

(Hemant Kumar Srivastava, J)

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