

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.13020 of 2021**

Arising Out of PS. Case No.-515 Year-2020 Thana- BAGHA District- West Champaran

VISHAL KUMAR CHAUDHARY Son of Late Murari Chaudhary Resident  
of Village- Bankatwa, Ward No. 21, P.S.- Bagaha, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      17-06-2021      Learned counsel for the petitioner undertakes to  
remove all the defects pointed out by the Stamp Reporter within  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Nazir Ansari, learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Bagaha P.S. Case No. 515 of 2020  
registered for the offences punishable under Sections 401 & 414  
of the Indian Penal Code.

Learned counsel for the petitioner submits that as per  
the prosecution story the informant got secret information that  
two youths are about to come near DM Academy School to sell  
a stolen motorcycle. The informant along with other police



personnel reached near the said School where they saw two youths coming on a black Super Splendor Motorcycle. After seeing the police, they tried to flee away but one of them got arrested. On interrogation, he confessed his name as Deepak Kumar and name of other co-accused as Dilshad Ansari. He further confessed that he is a member of a gang which is active for stealing motorcycles.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the name of this petitioner has transpired in the confessional statement of co-accused Deepak Kumar. It is submitted that nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 10.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that the name of the petitioner has transpired in the confessional statement of the co-accused Deepak Kumar, however, there is no recovery of any incriminating article from the possession of the petitioner and it is his submission that he has not been put on test identification



Parade so far, he has remained in jail since 10.09.2020, there is no criminal antecedent of the petitioner, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned AC.J.M.-1<sup>st</sup>, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 515 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

