

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15237 of 2021**

Arising Out of PS. Case No.-40 Year-2017 Thana- MOUZAHDIPUR District- Bhagalpur

BABLOO CHOUDHARY, Son of Late Bharo Choudhary, Resident of Village
Aliganj, Police Station Babarganj, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 21-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in Mojahidpur (Babarganj) P.S.
Case No.40 of 2017, registered for the offences punishable
under Sections 363, 365 and 34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner
along with others kidnapped the son of the informant.

Learned counsel for the petitioners submits that the
petitioners have falsely been implicated in the present case. It is
further submitted that the kidnapped boy Chhotu Kumar was of
bad character. The mother of the petitioner has submitted an
application before the DIG, Bhagalpur on 03.05.2017 regarding
his false implication. Petitioner is in custody since 04.06.2020
and petitioner has got no criminal antecedent as stated in



paragraph 3 of the bail petition. Learned counsel for the petitioner filed a supplementary affidavit annexing the deposition of PW1, PW2 and PW3 and submits that from perusal of the deposition of the aforesaid three witnesses, it appears that the witnesses have turned hostile. It is submitted that in the FIR, on the basis of the information given by Gautam Mandal, the informant disclosed the name of the petitioner and others but during trial, Gautam Mandal turned hostile.

Having considered the facts aforesaid, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No.40 of 2017, subject to the conditions:

(i) 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. He will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the



cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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