

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24369 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- IMAMGANJ District- Gaya

UDAY KUMAR CHAUDHARY @ UDAY CHAUDHARY Son of Rambrich
Chaudhary Resident of Village- Samod, P.S.- Kothi, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioner seeks bail in connection with Imamganj P.S. Case No.05 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case in brief is that informant is a truck driver and came to load paddy in Gaya from Dobhi Rohtas. In the night when he along with his associates were sleeping, 5 persons came armed with fire arms forcibly took them in Bolero and out them, two miscreants fled away with both the trucks and further alleged that after 3 hours of driving, they were left after snatching



Rs.28,200/- and their mobiles.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case merely on suspicion by the police. The trucks were recovered inside canal in Gurua. Petitioner is not named in the FIR nor apprehended on the spot. His name transpired in the case on the basis of confessional statement of one Gautam Kumar Chaudhary. No incriminating article has been recovered from the conscious physical possession of the petitioner. No TIP has been conducted. The petitioner has three criminal antecedents, as mentioned in para-3 of the Bail application and has been languishing in custody since 05.08.2020.

Learned APP for the State opposed the prayer for bail by submitting that earlier the prayer for bail of the petitioner has been rejected by the learned court below as the petitioner deemed to be a habitual offender and threat to society.

Considering the facts, the above named petitioner is directed to 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 the learned C.J.M., Gaya, in connection with Imamganj P.S. Case No.05 of 2020, subject to



the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

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

(Anjani Kumar Sharan, J)

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