

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28416 of 2021

Arising Out of PS. Case No.-50 Year-2019 Thana- MAIGRA District- Gaya

UDAY KUMAR CHAUDHARY @ UDAY CHAUDHARY S/O
RAMBRICHH CHAUDHARY R/o village- Samod, P.S.- Kothi, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Maigra P.S. Case No.50 of 2019 registered for
the offences punishable under Section 392 of the Indian Penal
Code. He is in custody since 23.11.2020. The petitioner has got
one criminal antecedent.

As per the prosecution story on 29.12.2019 when the
informant who is driver of Haiwa bearing Reg.No.JH03S-4838
was returning from Biraj after unloading his Haiwa and reached



near Kalidah Pul then a Bolero came and stopped near Haiwa. It is further alleged that the accused persons on the point of pistol took away Haiwa of the informant along with mobile and cash and dropped the informant at Chakmanatu.

Learned counsel for the petitioner submits that the FIR is against unknown and the name of the petitioner has transpired in the confessional statement of the co-accused extracted in police custody. Learned counsel submits that there is no recovery of any incriminating article from the possession of the petitioner and even though he is in custody since 23.11.2020 till date he has not been put on TIP.

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

Having regard to the facts and circumstances of the case wherein the FIR is against unknown, the name of the petitioner has transpired in the confessional statement of the co-accused extracted in police custody, there is no recovery of any incriminating article from the possession of the petitioner and even though he is in custody since 23.11.2020 till date he has not been put on TIP, the petitioner has got one criminal antecedent, so far as the present case is concerned, considering these materials, this Court directs that the petitioner above



named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, Judicial Magistrate, Serghati, Gaya in connection with Maigra P.S. Case No.50 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

