

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37046 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- BODHGAYA District- Gaya

Deepak Chaudhary @ Deepak Kumar Chaudhary Son Of Late Nathun Chaudhary Resident of Village - Hedmanpur, P.s.- Buniyadpganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Vide order dated 14.12.2020, bail application of the
petitioner was rejected.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402 and 411 of the
Indian Penal Code and Section 3/4 of the FEMA Act.

The allegation as per the FIR is that during course of
investigation of Bodh Gaya P.S. Case No. 335 of 2019, one
Rahul Pandey was apprehended and upon enquiry, he disclosed
that some persons were planning to commit murder of Ravi
Kant Pandey etc. and on the basis of statement made by Rahul
Pandey, the police arrived and conducted raid in the house of
Gauri Shankar Pandey and recovered one loaded pistol, mobile



phone and Rs. 42,280/- cash as well as 5,000/- foreign currency of Argentina.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that similarly situated co-accused have been granted bail by different coordinate Benches of this Court. He submits that only one country made pistol and two live cartridges were recovered from the possession of the petitioner. He further submits that petitioner bears four criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 14.01.2020.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 245 of 2020/27 of 2020 arising out of Bodhgaya P.S. Case No. 17 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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 be cancelled.

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

(IV) that the bailor shall also stated 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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