

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39715 of 2020

Arising Out of PS. Case No.-12 Year-2019 Thana- BUNIYAD GANJ District- Gaya

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DHAKNI CHAUDHARY son of Late Munshi Choudhary Resident of
Village- Bhadaija, P.S.- Moffassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

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, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 457 & 380 of the Indian
Penal Code.

Some unknown miscreant is said to have taken
away the motorcycle of the informant stealthily while it was
parked inside his house.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case by the apprehended co-accused Subhash Kumar. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession, rather the said motorcycle was recovered from the said Subhash Kumar. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of apprehended co-accused which has no evidentiary value in the eye of law. The aforesaid Co-accused, namely, Subhash Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 11.07.2019 passed in Cr. Misc. No. 41899 of 2019. The petitioner has been languishing in custody since 16.01.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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



Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P.S. Case No.12 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in 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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