

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10645 of 2021**

Arising Out of PS. Case No.-160 Year-2019 Thana- SASARAM RAIL P.S. District- Gaya

CHHOTU CHAUDHARY @ PREM KUMAR @ PLASTIC Son of Pradip
Chaudhary Resident of Village-Mahadewa, P.S.-Nashriganj, District-Rohtas.
... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and Mr. Jai Narayan Thakur, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sasaram Railway P.S. Case No. 160 of 2019 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that as per the prosecution story the petitioner with his associates stolen the INSAS rifle of informant from running train and the same has been recovered from the gang of which the petitioner is also a member, so the present case was lodged against the unknown accused persons.

Learned Senior Counsel submits that the petitioner is



innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. It is further submitted that the name of the petitioner has transpired in this case in the confessional statement of co-accused Chhotu Kumar @ Laxman Singh. The petitioner is in custody since 01.07.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned Senior Counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, the rifle in question was recovered from the house of co-accused Chhotu Kumar @ Laxman Singh for which another case was registered against him and in the said case his confessional statement was extracted and the petitioner has been brought in this case as his associate, he is in custody since 1.7.2020 and prior to the present case the petitioner had got one case on his head in which he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya in connection with Sasaram Railway P.S. Case No. 160 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(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'.

