

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10537 of 2021**

Arising Out of PS. Case No.-212 Year-2020 Thana- ITARHI District- Buxar

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AASHISH CHAUHAN SON OF UMASHANKAR NONIYA ALIAS
UMASHANKAR CHAUHAN R/O ITARHI P.S ITARHI DISTRICT
BUXAR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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**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 counsel for the petitioner and Mr. Amit Kumar Rakesh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Itarhi P.S. Case No. 212 of 2020 registered for the offences punishable under Sections 379, 413 and 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, this petitioner Ashish Chauhan has been arrested on 26.9.2020 along with another accused Rahul Bhar by the police. Some other accused persons fled away from the place of occurrence. A stolen tractor, two motorcycles and a Vivo mobile phone has been recovered from the possession of arrested accused persons.



Learned 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 conscious possession of this petitioner. The petitioner is in custody since 27.09.2020.

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 counsel for the petitioner that he has been falsely implicated in the present case and was arrested while he was roaming on the road, no incriminating or stolen article has been recovered from his possession or from his house, he has remained in custody in connection with the present case since 27.09.2020, investigation against him is complete and prior to the present case he had 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 Additional Chief Judicial Magistrate -IVth Buxar in connection with Itarhi P.S. Case No. 212 of 2020, 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'.

