

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10660 of 2021**

Arising Out of PS. Case No.-453 Year-2020 Thana- BARACHATTI District- Gaya

VIKASH CHAUDHARY SON OF JAGDISH CHAUDHARY @ JAGDISH
CHAUDHARI R/O VILLAGE- GOINTHA MITHA, P.S.- BARACHATTI,
DISTRICT- GAYA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, 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 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 Barachatti P.S. Case No. 453 of 2020 registered

for the offences punishable under Section 392 of the Indian

Penal Code and Section 25(1-b)a of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story, when the informant was maintaining his

accounts sitting in the car parked at Gajragarh Bazar then four

persons came and entered into the vehicle and snatched the bag

of money on gun point and ran away. When the informant raised



alarm then with the help of villagers one of them was caught with pistol who disclosed his name as Mukesh Kumar. He also disclosed the name of two other persons as Kamaldev Yadav and Vikash Chaudhary (petitioner) and further disclosed that Kamaldev Yadav had taken the mobile and bag of money in which Rs. 3,92,000/- were kept.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that petitioner's name has transpired in the confessional statement of one of the co-accused namely, Mukesh Kumar and the petitioner was not caught on the spot and nothing incriminating has been recovered from his possession. Learned counsel submits that petitioner is in custody since 02.09.2020 having no criminal antecedent.

Learned A.P.P. 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 the learned counsel for the petitioner that the name of the petitioner has transpired in the confession made by one of the co-accused namely, Mukesh Kumar, the petitioner was not caught on the spot and nothing incriminating has been recovered from his possession, he has no



criminal antecedent and has remained in jail in connection with the present case since 02.09.2020, the charge-sheet has already been submitted against him, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati (Gaya) in connection with Barachatti P.S. Case No. 453 of 2020 subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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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'.

