

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10488 of 2021**

Arising Out of PS. Case No.-125 Year-2020 Thana- MAHESI District- East Champaran

CHANDAN CHOUDHARY SON OF-ARUN CHOUDHARY RESIDENT
OF VILLAGE-BISHUNPURA, PS- BARURAJ, DIS- MUZAFFARPUR.
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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

2 20-05-2021 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 Mehsi P.S. Case No. 125 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant runs a C.S.P. and on 04.05.2020 at about 4.00 PM three unknown persons on a black Pulsar motorcycle stopped near their C.S.P. center and one of them pointed gun on the informant and threatened him to shoot if he raises alarm and another accused person opened the counter and took away Rs. 60,000/- from the C.S.P. counter and Rs. 20,000/- from informant's pocket. They also took away two mobile phones, a laptop and a swipe machine and fled away towards Motipur.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case only on confessional statement of the co-accused namely Mani Kumar @ Mani Kumar Singh. It is further submitted that the co-accused similarly situated Anil Kumar Singh whose name has also transpired in the confessional statement has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 7990 of 2021. Learned counsel submits that the petitioner is in custody since 08.07.2020.

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 save and accept the confessional statement of the co-accused namely Mani Kumar @ Mani Kumar Singh, there is no other material implicating the petitioner in the present case, it is a case of false implication of the petitioner as he has been taken on remand in two other cases as mentioned in paragraph '3' of the petition and one of the co-accused similarly situated namely Anil Kumar Singh whose name has also transpired in the confessional statement has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 7990 of 2021, the petitioner is in custody since 08.07.2020, 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 Additional Chief Judicial Magistrate-VI, East Champaran in connection with Mehshi P.S. Case No.



125 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)

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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'.

