

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5148 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- UJIYARPUR District- Samastipur

Shubham Choudhary @ Shubham Kumar Choudhary Son of Late Braj
Bhushan Choudhary Resident of Village- Chandchaur Dih, P.S.- Ujiyarpur,
District- Samastipur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ujiyarpur P.S. Case No. 174 of 2021 instituted for the offences
under Sections 399, 401, 402 of the Indian Penal Code and
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.08.2021, charge-sheet has been
submitted in the case and has antecedent of 16 cases.

Learned counsel for the petitioner submits that on
secret information police personnel reached the Pachgachhiya
Gachhi and reached the said place upon which all the miscreants
started fleeing away in which two miscreants were apprehended
on the spot and upon interrogation they disclosed the names of
petitioner and three other co-accused persons. It is further
alleged that during the course of search, police recovered one
loaded country made pistol (Katta) and mobile from the



possession of Rahul Kumar and one country made pistol (Katta), two live cartridges and mobile were recovered from the possession of Deepak Jha.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case on the basis of confessional statement of another co-accused namely, Rahul Kumar and Deepak Jha. Petitioner has been made accused on the basis of past history. Nothing has been recovered from the possession of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 13.08.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur camp at Dalsingsarai in connection with Ujiyarpur P.S. Case No. 174 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason,



his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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