

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14409 of 2022

Arising Out of PS. Case No.-80 Year-2018 Thana- MUSRIGHRARI District- Samastipur

PAPPU CHAUDHARY @ DINESH CHAUDHARY, SON OF LATE
KRISHNA BALLABH CHAUDHARY R/O VILLAGE- RUPAULI, P.S.-
MUSARIGHARARI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 185 of 2019, arising out of Musarigharari

P.S. Case No. 80 of 2018, dated 23.06.2018, registered for

the offences punishable under Sections 115, 120-B, 399 and

402 of the I.P.C. and Sections 25 (1-b), a, 26 and 35 of the

Arms Act.

As per allegation, on the confessional statement of

the petitioner, a raid was conducted in the house of one

Dinesh Sharma, from where five persons were arrested and

some have managed to flee away. It is further alleged that



the aforesaid persons were assembled there to execute the plan of murder of one Md. Kaisar. Police has seized huge number of incriminating articles from the house of the aforesaid Dinesh Sharma.

The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further points out that the whole case is based only on confessional statement and the confession before the Police has no legal sanctity. Moreover, there is no recovery of any arms from the conscious possession of the petitioner and he has been rotting in jail for about four years since 17.08.2018. He further submits that other co-accused persons, namely, Gauri Shankar @ Golu Chaudhary, Ashok Kumar Chaudhary @ Ashok Samrat, Aman Kumar @ Aman Singh, Aman Anand @ Lalu Singh @ Lambu, Ranjit Kumar @ W.Jha @ Dablu Jha, vide orders dated 25.10.2018, 22.11.2018, 30.11.2018, 26.03.2019, 17.08.2019, passed in Cr. Misc. No. 63810 of 2018, Cr. Misc. No. 65471 of 2018, Cr. Misc No. 68655 of 2018, Cr. Misc. No. 17755 of 2019 and Cr. Misc. No. 31129 of 2019, respectively.



It is also stated in paragraph no. 2 of the petition that has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has been made accused in fifteen other cases, namely, Musrigharari P.S. Case No. 146 of 2000, Musrigharari P.S. Case No. 116 of 2000, Musrigharari P.S. Case No. 17 of 1996, Musrigharari P.S. Case No. 02 of 1994, Musrigharari P.S. Case No. 82 of 2009, Musrigharari P.S. Case No. 32 of 2003, Musrigharari P.S. Case No. 27 of 2014, Musrigharari P.S. Case No. 126 of 2014, Musrigharari P.S. Case No. 118 of 2017, Dalsingsarai P.S. Case No. 278 of 2017, Dalsingsarai P.S. Case No. 03 of 2005, Dalsingsarai P.S. Case No. 279 of 2017, Ujiarpur P.S. Case No. 108 of 2017, Dalsingsarai P.S. Case No. 242 of 2017 and Ujiarpur P.S. Case No. 42 of 2012.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Samastipur in connection with Musarigharari P.S. Case No. 80 of 2018 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

