

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16050 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- MAIRWAN District- Siwan

ATUL CHAUBEY, Son of Bidya Sagar Chaubey Resident of Village- gadwar,
Police Station- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mairwa
P.S. Case No. 423 of 2021, dated 20.12.2021, registered
for the offence punishable under Section 395 of the I.P.C.

As per allegation, the petitioner along with his
associates committed *dacoity* at the confectionery shop of
the informant at the point of *katta* and looted away cash of
Rs. 15 to 20 thousand.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner is not



named in the FIR. His name has emerged only from the confessional statement of one of the co-accused, Rakesh Parwat. The police has arrested him only on suspicion. He also submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that one of the co-accused, namely, Rohit Kumar Sah has already been granted bail by a Bench of this Court *vide* order dated 05.04.2022, passed in in Cr. Misc. No. 8929 of 2022.

The petitioner is languishing in jail since 24.12.2021.

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

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case namely, Guthani P.S. Case No. 220 of 2020.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid 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 Chief Judicial Magistrate-VII, Siwan, in connection with Mairwa P.S. Case No. 423 of 2021, 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)

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