

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18070 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- SIKRAUL District- Buxar

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Gaurav Kumar Chaudhary @ Gaurav Choudhary, Son of Gulab Chandra Kewat, Permanent Resident of Bashgadhwa, Police Station- Basudevpur, District - Munger, at present resident of Pandeypatti Colony, P.S. - Buxar (Muffasil), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Parijat Saurav, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sikraul P.S. Case No. 49 of 2021 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

It is alleged that in course of investigation in connection with other criminal cases, on noticing the police party some miscreants tried to flee away, however, the petitioner along with one 'Deepak Koiri' was apprehended on a



motorcycle. On search, one country made pistol, one live cartridge and a mobile was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that the petitioner being a pillion rider was going on a motorcycle which was driven by co-accused 'Deepak Koiri' and he submits that in fact no recovery has been made from the person or possession of the petitioner, however, the recovery has been made from co-accused person but his name has been implicated in this case only on account of his past criminal antecedent which has been mentioned in paragraph no 3 of the bail application. He next submits that so far the cases which have been mentioned in paragraph no 3 are concerned, out of six cases in one of the case the petitioner has been acquitted and he is on bail in other cases except one. He next submits that co-accused person, having identical allegation, has already been enlarged on bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 23023 of 2022 vide order dated 01.08.2022 while concluding his submission he lastly submits that the petitioner is in custody since 05.05.2021.

On the other hand, learned APP for the State opposes



the bail application and submits that the petitioner is an habitual offender, found involve in six other cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused person, having identical allegation, has already been allowed the privilege of bail and the investigation of the crime is already complete and charge-sheet has been submitted, apart from the period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Buxar in connection with Sikraul P.S. Case No. 49 of 2021 subject to the condition that one of the bailors will be the local residents/close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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