

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20288 of 2022

Arising Out of PS. Case No.-206 Year-2019 Thana- NASRIGANJ District- Rohtas

Ranjan Chaudhary @ Rajan Chaudhary @ Ranjan Singh Son of Anugharh
Narayan Chaudhary @ Anugharh Narayan Singh R/O Village- Wazirganj,
P.S.- Sasaram (M), District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20315 of 2022

Arising Out of PS. Case No.-206 Year-2019 Thana- NASRIGANJ District- Rohtas

Dilip Chaudhary Son of Manoj Chaudhary @ Manoj Kumar Singh R/O
Village- Wazirganj, P.S.- Sasaram (M), District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20288 of 2022)

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.
: Mr.Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Ms.Asha Devi, APP

(In CRIMINAL MISCELLANEOUS No. 20315 of 2022)

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.
: Mr.Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Nasriganj
P.S. Case No. 206/2019 registered for the offences punishable
under Sections 395 of the Indian Penal Code.



As per prosecution case, 9-10 unknown miscreants riding on 4-5 motorcycles intercepted the van in which three cows and one calf were loaded and the informant and the owner of cow were also present in the same van. The accused persons snatched cash and mobile phones from their possession and also took away the van loaded with cows and calf.

Learned counsel appearing for the petitioner, Ranjan Chaudhary submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and no incriminating articles has been recovered from the possession of the petitioner. He further submits that the petitioner was remanded in the present case only on the basis of his confessional statement before the police from Sasaram (M) P.S. Case No. 120/2021. The petitioner has not been put on T. I. Parade was conducted, except his confessional statement there is nothing on record to rope the petitioner in the alleged occurrence. The petitioner is languishing in custody since 24.08.2021 and bears criminal antecedent of 06 cases out of 05 cases are of Excise Act and in all cases he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Ankit Chaudhary has already been granted bail by the co-ordinate



Bench of this case vide Cr. Misc. No.19118/2022 and the case of present petitioner stands on similar footing.

Learned counsel appearing for the petitioner, Dilip Chaudhary submits that the petitioner petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and no incriminating articles has been recovered from the possession of the petitioner. He further submits that the name of petitioner has surfaced in this case on the basis of confessional statement of petitioner in Cr. Misc. No.20288/2022. The petitioner has not been put on T. I. Parade was conducted, except confessional statement there is nothing on record to rope the petitioner in the alleged occurrence. The petitioner is languishing in custody since 03.11.2021 and bears criminal antecedent of 06 cases out of 05 cases are of Excise Act and in all cases he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Ankit Chaudhary has already been granted bail by the co-ordinate Bench of this case vide Cr. Misc. No.19118/2022 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II cum Sub Judge-II, Bikramganj, Rohtas at Sasaram in connection with Nasriganj P.S. Case No. 206/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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



(iv) Petitioners shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and they shall get their presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioners shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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