

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20497 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- BARUN District- Aurangabad

Rajan Choudhary @ Golden S/o Late Bablu Choudhary R/o village- Rampur,
P.S.- Chainpur, District- Palamu (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 21240 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- BARUN District- Aurangabad

Arjun Chaudhary son of Munnilal Chodhary resident of village - Dhamauli
gola, p.s.- Barun, District - Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20497 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 21240 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-08-2022 The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsels for the petitioners and the

learned APP for the State.

Petitioners seek regular bail in connection with Barun



P.S. Case No. 98 of 2021 registered for the offence under Section 414/34 of the Indian Penal Code.

As per prosecution story, on the alleged day and time of the occurrence the police were checking the vehicles and in that course the motorcycles which were being driven by the accused persons were signaled by the police to stop but they tried to flee after leaving the motorcycles and in that course one co-accused named Sajan Kumar was apprehended at the spot and other co-accused persons managed to escape and the said co-accused Rajan Choudhary revealed the names of both the petitioners. Further allegation is that the arrested co-accused Rajan Choudhary did not produce any document with regard to recovered motorcycles owing to that reason the said motorcycles were presumed by the police to be as stolen motorcycles.

The main submissions advanced by learned counsel Mr. Binod Kumar Pandey for the petitioners are that both the petitioners were not arrested at the spot and their names surfaced in the statement of co-accused Sajan Kumar and alleged recovered motorcycles were presumed to be stolen mainly on account of not producing the documents concerned to the said motorcycles by the arrested co-accused but the owners



of the recovered motorcycles did not lodge any case with regard to theft of said motorcycles and any person with an allegation of missing of the said motorcycles did not come before the police hence the alleged offence of 414 IPC is not made out. Further submission is that the petitioner Rajan Choudhary @ Golden has been languishing in jail since 14th January, 2022 and against him there is criminal antecedent of two cases in which he is on bail and the petitioner Arjun Chaudhary has clean antecedent and languishing in jail since 17th January, 2022.

Learned APP Mr. Ajay Kumar Jha appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case record. Admittedly, both the petitioners were not arrested at the spot and their name surfaced in the statement of co-accused and the petitioner Arjun Chaudhary has clean antecedent, though there is criminal antecedent of two cases against the petitioner Rajan Choudhary but he is on bail in the said cases as submitted by his counsel during argument and both the petitioners have taken the plea that the recovered motorcycles have been presumed to be stolen by the police mainly on this ground that the arrested co-accused did not produce any document with regard to the recovered motorcycles. Considering these facts



both the petitioners deserve a lenient approach of this Court, let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Barun P.S. Case No. 98 of 2021, on the following conditions.

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioners.

(Shailendra Singh, J.)

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