

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21478 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- GAYA MUFASIL District- Gaya

Ishwar Chaudhary @ Gaud Son Of Mundrika Chaudhary R/O Village-
Bhadeja, P.S.- Muffasil, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 361 of 2021 registered for the offences
under Sections 399, 402 of the Indian Penal Code and Section
25(1-b) (a)/26, (II)/35 of the Arms Act.

As per prosecution's story, the police got the
information that the petitioner and co-accused persons had
gathered at the alleged place to make preparation to commit
dacoity and thereafter, the police party raided the alleged place
and found the accused persons sitting in a car(Maruti Ciaz) and



on seeing the police party the accused persons tried to flee but four of them were apprehended at the spot and from the possession of this petitioner two live cartridges, a mobile phone were recovered and from the possession of co-accused Santosh Chaudhari a loaded country-made pistol along with live cartridge was recovered and from the possession of other co-accused persons some fire-arms and mobile phones were recovered.

The main submissions advanced by Ms. Priya Ranjan learned counsel appearing for the petitioner are that in the FIR against the petitioner there is no specific allegation, although against the petitioner there is criminal antecedent of seven cases but he is on bail in all the said cases and in the present case only two cartridges and a mobile phone are alleged to have been recovered from his possession and the co-accused Santosh Chaudhari from whose possession a loaded country-made pistol was allegedly recovered has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 71628 of 2021 and as per petitioner's knowledge against the said co-accused there is criminal antecedent of three cases. Further submission is that one co-accused namely Ashish Ranjan has also been granted bail by a co-ordinate bench of this Court vide



order passed in Cr. Misc. No. 62633 of 2021. Further submission is that the petitioner has been charge-sheeted.

Mr. Ganesh Prasad Singh, learned APP appearing for the State has opposed the bail prayer.

It appears that the allegation made against the petitioner is similar to co-accused Santosh Chaudhari who has been considered for regular bail by a co-ordinate bench of this Court vide order passed in above-mentioned criminal miscellaneous, though against the petitioner there is criminal antecedent of seven cases and as per para no. 3 of his petition he is on bail in respect of all the cases shown as his criminal antecedent and in the present case he has been languishing in jail since 02.08.2021 and as per above submission the petitioner's case is at initial stage of trial and the charge has been framed. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner 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 Muffasil P.S. Case No. 361 of 2021, on the following conditions.

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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