

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22992 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- BAHADURPUR District- Darbhanga

Purushottam Kumar Choudhary@Purushottam Kr.@MITHU
Choudhary@Prusatam Kr. Chy@Mithu Kr Chy@Mithu Chy S/o Shyam
Shankar Choudhary @ Lalan R/o village- Darhar, P.S.- Bahadurpur, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bahadurpur (Fekla O.P.) P.S. Case No. 520 of 2021 lodged
under Sections 341, 323, 342, 325, 307, 386, 379, 504, 506/34
of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons against whom
allegation of snatching the licensee revolver, Rs.2500/- cash, 15
gm gold chain and assaulting the informant are there. The
informant has named all the 4 accused persons in the F.I.R.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has annexed Annexure-3 & 3/1 which are seizure list by which it indicates that recovery of licensee revolver, live cartridges, Rs.2500/- and Super Splender Motorcycle by which this crime has been committed and loot articles were recovered from the possession of accused Rajeev Kumar Kunwar. Learned counsel for the petitioner further submits that nothing incriminating recovered from the possession of the petitioner. He further submits that petitioner is in custody since 25.10.2021. He is having 3 criminal antecedent but in 2 cases he has already been acquitted and in one case he has been granted bail by the High Court.

Learned counsel for the State opposes the prayer for bail and submits that it transpires from the record also that recovery was made from the possession of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Darbhanga in connection with Bahadurpur (Fekla O.P.) P.S.

Case No. 520 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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