

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28755 of 2022

Arising Out of PS. Case No.-233 Year-2020 Thana- KHARHAGPUR District- Munger

Shiv Shankar Chouray Son Of Ashok Choude R/O- Vill-Chhoti Madhuban
P.S.- Haweli Kharagpur, Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Kumar Kamal Nayan, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kharagpur P. S. Case No. 233 of 2020 registered for the offences punishable under Sections 147, 148, 149, 120(B) 121(A) and 124 (A) of the Indian Penal Code, Section 25 (1-b)a, 25(i)(ii) and 35 of the Arms Act and Sections 10,13,16,18,20, and 21 of the Unlawful Activities (Prevention) Act.



As per the prosecution case, it is alleged that, the police, on a secret information that some extremist were assembled, raid was conducted and eight of them were apprehended. It is also alleged that the apprehended person disclosed the name of their associates including the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is next submitted that other co-accused persons, who were apprehended at the spot, they have allowed the privilege of bail from different Benches of this Hon'ble Court. The copies of which have been annexed as annexure 2 series. It is also submitted that the petitioner apprehended in connection with Kharagpur P. S. Case No. 201 of 2020 and thereafter, he has been remanded in the present case on 05.01.2021 and since then he is in custody. It is last submitted that save and except the disclosure of the name of the petitioner made by the apprehended persons, there is no material against him and besides the present case the petitioner is on bail in another case.

On the other hand, learned APP for the State opposes the bail application.



Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and moreover, the persons, who were apprehended at spot, they have already allowed privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Munger in connection with Kharagpur P. S. Case No. 233 of 2020, subject to the condition that one of the bailors will be the 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

