

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34857 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- SHIVSAGAR District- Rohtas

1. UMESH KUMAR CHAUDHARY SON OF SRI RAMCHIJ CHAUDHARY
R/O VILLAGE- SARIYAW, P.S.- NOKHA, DISTRICT- ROHTAS
2. PRINCE KUMAR @ SONU @ SONU KUMAR SON OF VISHWANATH
SINGH R/O VILLAGE- CHIRAILA, P.S.- BARUN, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Shivsagar P.S. Case No. 135 of 2022 for the offences under
Sections 386/34 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that the two petitioners, who were driver and his friend
and the vehicle rented to the said police station were collecting
money from the truck drivers showing them fear of fine.
Accordingly, both the petitioners herein were called and



searched. Thereafter, it was found that Rs. 25,000/- was present in the pocket of petitioner no.2, namely, Prince Kumar @ Sonu @ Sonu Kumar. He disclosed the name of Umesh Kumar Chaudhary (petitioner no. 1). Accordingly, the seizure list was prepared, the money was recovered/seized and the FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the seizure list would show that the informant himself has prepared the seizure list which he could not have done. It is his further submission that the said amount which is alleged to have been recovered actually belonged to his family members which was taken out from the bank but has wrongly been seized. It is his last submission that the petitioners are in custody since 09.04.2022.

Taking into account all the aforesaid facts that they are in custody since 09.04.2022 having no criminal antecedent and the charge sheet has already been submitted, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VI, Rohtas at Sasaram in connection with Shivsagar P.S. Case No.



135 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every month for next one year to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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