

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46630 of 2021

Arising Out of PS. Case No.-777 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Amit Choudhary @ Amit Kumar @ Amit Patel Son of Munna Choudhary
Resident of Ward No. 05, Kuraich, P.S. Sasaram (Town), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sasaram Town (Darigaon) P.S. Case No. 777 of 2020 registered for the offences punishable under Section 394 of the Indian Penal Code.

According to prosecution case, the informant Santosh Prasad in his fardbeyan stating therein that he own a pickup van and he drives it himself and while he was at Pusauli Gola he got a call from someone who told that he had to shift some of his domestic things from Dehri to Pusauli. The informant asked where was the delivery to be made on which it was allegedly



replied that it was to be delivered at the house of one Munna Sah. It is alleged that he knew said Munna Sah who was a renowned businessman and rented out his house and after finalizing the charge two persons came to his pickup van and boarded the vehicle. It is also alleged that when he stopped at Nathupur Petrol pump one of the persons gave him Rs.1200/- and after getting the fuel while they proceeded for Dehri, one of the person asked the informant to stop the van as he had got get some money from someone. After sometime it is alleged that two more persons came to the van and by showing him a Katta, forcibly sat on the driver's seat and forced the informant to sit next to them and when the informant protested the accused persons assaulted him with fist.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Pawan Kumar Singh @ Pawan Yadav @ Pawan Kumar and self confessional statement. He further submits that till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against



the petitioner. He further submits that similarly situated, co-accused, namely, Pawan Kumar Singh @ Pawan Yadav @ Pawan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2022 passed in Cr. Misc. No. 57391 of 2021. The petitioner is in custody since 06.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries nine criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Rohtas, Sasaram in connection with Sasaram Town (Darigaon) P.S. Case No. 777 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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