

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46627 of 2021

Arising Out of PS. Case No.-330 Year-2020 Thana- SANDESH District- Bhojpur

Ashok Chaudhary Son of Rampati Chaudhary Resident of Village - Jamalpur,
P.S. - Nasariganj, District - Rohtas, at present Residing at Repura P.S.
Sandesh, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1, Advocate

For the Opposite Party/s : Mrs. Anita Kumari 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 Sandesh P.S.
Case No. 330 of 2020 registered for the offences punishable
under Sections 364, 365, 302 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the
husband of the informant Manohar Chaudhary received a call on
his mobile and the caller asked the husband of the informant to
come at teh road upon which her husband went towards road but
thereafter did not return and on search being made there was no
clue about him and hence the informant suspecting the
kidnapping of her husband alleged that after one hour of his



departure his mobile set was shut down and the number from which the call was made belongs to one Ashok Chaudhary of village Repura.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that during the investigation nothing has come against the petitioner. He further submits that none of the independent witnesses has supported the prosecution version of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the basis of material available on the record and the case diary fairly submits that during the investigation nothing has come against the petitioner.

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, Bhojpur, Ara in connection with Sandesh P.S. Case No. 330 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)

mdrashid/-

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

