

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38736 of 2022**

Arising Out of PS. Case No.-366 Year-2019 Thana- JAGDISHPUR District- Bhojpur

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RAMESH CHAUDHARY S/o Baban Chaudhary R/o village- Mahan Tola,  
P.S.- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      29-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

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

The case is registered under section 414 of the  
Indian Penal Code and Section 25(1-b), 26, 35 of the Arms Act,  
in connection with Jagdishpur P.S. Case No. 366 of 2019.

The prosecution story, in brief, is that on  
8.12.2019, the informant received information that some  
miscreants were standing under mysterious circumstances near  
Baurahwa Baba Mandir on Jagdishpur Bihiya road, trying to  
carry out some unwanted act. The police party reached there and  
on sighting them, the accused tried to escape leaving their  
motorcycles. The police caught one of them and recovered one



live cartridges and a motorcycle from him.

Learned counsel for the petitioner submits that he was not arrested from the spot and his name has come in the confessional statement of one Man Mohan Chauhan from whose possession recovery of motorcycle and live cartridge have been shown. It is his last submission that the same Man Mohan Chauhan has since been released on bail by a coordinate bench of this Court in Cr. Misc. No. 18179 of 2020.

Learned APP on the other hand opposes the prayer for bail stating that the matter is of 2019 and the petitioner walked into custody in 2022 and as such he does not deserve bail.

Taking into account the aforesaid fact that there is no specific allegation against the petitioner, is in custody since 24.4.2022 and the similarly situated co-accused has since been released on bail as stated above, this Court is inclined to grant him the privilege of bail after framing of the charge with condition in view of the fact that he has more than half a dozen criminal cases under his belt.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Bhojpur at Ara, in connection with Jagdishpur P.S.

Case No. 366 of 2019 subject to the following conditions:

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

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his/her district(..) for a period of ... months(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he/she will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

Ravi/Ajay Singh

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