

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54171 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- BEN P.S. District- Nalanda

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AVINASH KUMAR CHAUDHARY @ LOLI SON OF MUNNA
CHAUDHARI R/O VILLAGE- MARSUA, P.S.- BEN, DISTRICT-
NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court
proceeding.

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 Ben P.S. Case
No. 172 of 2020 registered for the offences punishable under
Sections 414, 420, 467, 468, 471/34 of the IPC.

There is recovery of one stolen tractor from possession
of co-accused.

Learned counsel for the petitioner submits that
petitioner has committed no offence and he has falsely been



implicated in the present case. Name of the petitioner has been transpired on the basis of confessional statement of co-accused Akshay Kumar. It is further submitted that nothing has been recovered from conscious possession of the petitioner. Except the confessional statement of co-accused Akshay Kumar, no any cogent material has come against the petitioner. It is further submitted that co-accused Akshya Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 16.09.2021 passed in Cr. Misc. No. 19050 of 2021. Petitioner is in custody since 25.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate-1, Nalanda at Biharsharif in connection with Ben P.S. Case No. 172 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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