

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53608 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- BIKRAMGANJ District- Rohtas

1. Guddu Choudhary @ Guddu Chaudhari @ Dharmendra Kumar Singh Son Of Late Sheo Bhukhan Choudhary
2. Jai Shankar Prasad S/O Late Sheo Bhukhan Choudhary.
Both are R/O A/P Mohalla- Bikramganj, Ward No. 15 (Dineshvatika)
Opposite Ara Machine, Bikramganj, P.S. Bikramganj, District-Rohtas,
Permanent Village-Jamodhi, P.S. Hasan Bazar, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh,Adv.
For the Opposite Party/s : Mr.Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

Supplementary affidavit filed by the petitioners.

The present case has been taken up out of turn on the basis of the motion slip filed by the learned counsel for the petitioners that the son of the petitioner No.2 has died on 06.01.2022.

The petitioners seek bail in connection with Bikramganj P.S.Case No. 70 of 2021 registered for the offence



under Section 366(A) of the Indian Penal Code.

The prosecution case on the basis of the written fardbeyan of informant Anita Devi in brief is that she was residing at her house situated at Ashkamini Nagar, Bikramganj and co-accused Pankaj Kumar was also residing in the said house on rent and one year before Pankaj Kumar left the said house and resided with petitioner No.1 Guddu Choudhary at Dinesh Vatika, Ward No.15 behind Ara Machine, Bikramganj. It is further alleged that Pankaj Kumar always called and messages on Mobile Phone for which a complaint was made to the father and maternal uncle of Pankaj Kumar and they assured that the same will not happen. It has been further stated that on 05.03.2021 at 10 "O" clock the daughter of informant, namely, Simaran Kumari, aged about 14 years had gone to school but she could not return back. On search, it was found that the girl was seen at the house of petitioner-Guddu Chaudhary and Jai Shankar Prasad, with Pankaj Kumar and Sonu Kumar, and on enquiry the wife of Jay Shankar Prasad told that the girl is at Delhi and she is likely to come in 2/4 days, but after 2/4 days when the informant asked about the same she refused. Thereafter, the informant lodged the case against the accused persons.



Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR itself that co-accused, namely, Pankaj Kumar, who was residing in the house of the petitioners, has committed the offence and in fact the petitioners are Mama of the main accused Pankaj Kumar. He further submits that there is no direct or specific allegation against the petitioners and petitioners are in custody since 27.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Bikramganj Police Station Case No.70 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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