

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49346 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BODHGAYA District- Gaya

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PRADEEP CHAUDHARY @ CHUTAR Son of Late Babu Lal Chaudhary
Resident of Village - Kachanapur (Bagdaha), P.S.- Bodh Gaya, District -
Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to

make necessary correction in paragraph 3 of the bail petition.

The petitioner seeks bail in connection with Bodh-

Gaya P.S. Case No. 138 of 2022 registered for the offences

punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, three unknown miscreants

came on a motorcycle and snatched the bag of informant on

point of pistol in which cash of Rs. 48,400/-, mobile and other

articles were kept.



Learned counsel for the petitioner submits that petitioner is in custody since 25.05.2022. Petitioner bears one criminal antecedent in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of present petitioner has been transpired on the basis of confessional statement of co-accused Pramod Paswan. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nothing has been recovered from conscious possession of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Bodh-Gaya P.S. Case No. 138 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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