

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3084 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- BAHADURPUR District- Darbhanga

Gautam Kumar Choudhary @ Gautam Choudhary S/O Late Mahindra Choudhary Resident Of Village- Ojhoul, P.S.- Bahadurpur, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Babu Paswan S/O Halkhori Paswan Resident Of Village- Ojhoul, P.S.- Bahadurpur, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kedar Jha
For the Respondent/s	:	Mr. Special Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-11-2022 Heard Ld. counsel for the appellant and Ld. Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the petitioner on bail, impugning the order dated 10.08.2022, passed by the Ld 3rd Addl. Sessions Judge-cum- Exclusive Special Judge SC/ST (POA) Act, Darbhanga., arising out of S.C.S.T.G.R No. 20 of 2021 (Bahadurpur P.S. Case No. 30 of 2021), whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that when the friend of the informant was coming to meet the informant, the appellant along with his associates in



drunken condition stopped him in the way and demanded Rs. 5,00,000/- (Five Lakhs) as extortion money on the point of pistol. It is further alleged that the appellant abused the informant by calling his caste name and at the instance of the appellant, all the co-accused persons armed with pistol, riffle, rod, sword entered into the house of informant, abused him by saying his caste name and also assaulted him.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the allegation is general and omnibus in nature and there is no specific allegation against the appellant and there is also counter case filed by the accused side in regard to the alleged occurrence. He further submits that similarly situated co-accused persons, namely, Chunnu Singh, Kundan Singh, Anil Singh, Sumit Singh and Manish Singh have already been enlarged on bail by different Benches of this Court vide order dated 14.12.2021 and 25.08.2021, passed in Cr. Appeal (SJ) No. 3894 of 2021 and Cr. Appeal (SJ) No. 3040 of 2021 respectively.



The appellant has been languishing in jail since 05.08.2022.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the appellant has no criminal antecedent.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 10.08.2022, passed by the Ld. 3rd Addl. Sessions Judge-cum- Exclusive Special Judge SC/ST (POA) Act, Darbhanga., and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 3rd Addl. Sessions Judge-cum- Exclusive Special Judge SC/ST (POA) Act, Darbhanga. in connection with S.C.S.T.G.R No. 20 of 2021 arising out of



Bahadurpur P.S. Case No. 30 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail appeal is wrong, the learned court below shall cancel the bail bond of the appellant.

The appeal stands allowed accordingly.

The learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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