

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52906 of 2022**

Arising Out of PS. Case No.-341 Year-2021 Thana- SIMRI District- Darbhanga

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RAJA CHOUDHARY SON OF SHRAWAN CHOUDHARY RESIDENT OF
VILLAGE- GHOSHPARA, P.S. KATIHAR TOWN, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 22-12-2022 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.

The petitioner seeks bail in connection with Simri P.S.
Case No. 341/2021 registered for the offences punishable under
Sections 457/380 of the Indian Penal Code in which
subsequently Section 411 of the Indian Penal Code was also
added.

As per prosecution case, there is allegation of
committed loot of gold and silver jewelleries worth of Rs.18
lakhs, kept in the safe of godrej, from the house of the
informant. FIR against known persons.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and no incriminating article has been recovered from the conscious possession of the petitioner. During the course of investigation the petitioner has been made accused subsequently i.e. on the basis of suspicion or on the basis of confessional statement of co-accused. The petitioner is languishing in custody since 18.03.2022 and bears criminal antecedent of three cases. The petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Ramesh Chandra Prabhakar has already been granted bail by the co-ordinate bench of this Court vide Cr. Misc. No.51132/2022 and on the principle of parity present petitioner deserves to be released on bail.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga in connection with Simri P.S. Case No. 341/2021, 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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