

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55265 of 2022**

Arising Out of PS. Case No.-68 Year-2021 Thana- AAJAM NAGAR District- Katihar

Sunil Kumar Choudhary @ Khora Son of Late Sitaram Choudhary Resident of Village and Post Office Tola Briyapur, P.S.- Bariyarpur, Munger, District - Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Azam Nagar (S) P.S. Case No. 68 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 09.05.2022. He has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 03.04.2021 four miscreants on two motorcycles arrived at cash counter of Sidhivanayak Petrol Pum, Hajinagar and on the point of pistol looted Rs.2 lakhs cash from the informant and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that the petitioner is in custody since 09.05.2022.

Learned counsel submits that the name of the petitioner has transpired in the confessional statement of co-accused Santosh Choudhary and there is no recovery from possession of the petitioner as also till date no test identification parade has been done.

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

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, his name has transpired in the confessional statement of co-accused Santosh Choudhary, there is no recovery from his possession, he has not been put on test identification parade and there is no other material to connect him with this case at this stage, he is in custody since 09.05.2022, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Azam Nagar (S) P.S. Case No. 68 of 2021, subject to the condition as



laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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