

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67345 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Gopal Choudhary @ Gopal Kumar Choudhary Son of Manoj Kumar Choudhary Resident of Village- Keota Pirpanti, P.S.- Dalsing Sarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 386/34 of the Indian Penal Code.

According to prosecution case, on 02.01.2020 Praveen Thakur and Gopal Choudhary boarded on motorcycle having no number plate came to the egg shop of informant Arun Thakur alongwith one unknown person. Praveen Thakur on the point of pistol demanded extortion of Rupees one lakh within 24 hours otherwise he alongwith his son would be killed.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the main allegation against the co-accused namely, Praveen Thakur and there is no specific allegation against the petitioner. He further submits that till date no TIP has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sonu Paswan @ Mithilesh Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 49306 of 2021. The petitioner is in custody since 15.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dalsing Sarai P.S. Case No. 02 of 2020, subject to the following



conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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