

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67691 of 2022

Arising Out of PS. Case No.-110 Year-2010 Thana- DINARA District- Rohtas

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GUPTESHWAR CHAUDHARY S/o Late Lal Mohar Chaudhary R/o Village-
Sunderban, P.S.- Dinara, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 69403 of 2022

Arising Out of PS. Case No.-110 Year-2010 Thana- DINARA District- Rohtas

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RAMASHANKAR CHAUDHARY S/o Kedar Chaudhary @ Janki
Chaudhary R/o Village- Arang Tola, P.S.- Dinara, Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 67691 of 2022)

For the Petitioner/s : Mr.Krishna Prasad Singh, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 69403 of 2022)

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-12-2022 Heard Mr. Krishna Prasad Singh, learned counsel for

the appellants and Mr. Bharat Bhushan, learned APP who

represents the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are in judicial custody in connection



with Sessions Trial No. 323 of 2021 arising out of Dinara (Bhanas) P.S. Case No. 110 of 2010 for the offences under Section 364 of the Indian Penal Code.

The prosecution story reads as follows :-

The informant has alleged that his brother Badshah Chaudhary was kidnapped by all the accused persons including the petitioners herein on 09.04.2010 and his brother has not yet been recovered. It was under this circumstances that the case was lodged against the accused persons.

The petitioners had earlier moved this Court in Cr. Misc. No. 61496 of 2021 which was rejected on 21.4.2022.

The petitioners have once again come for grant of bail to this Court.

While the petitioner, Gupteshwar Chaudhary is in custody since 19.7.2021 (as stated in para-13 of the bail application) the petitioner, Ramashankar Chaudhary is in custody since 4.7.2021.

Taking into account the aforesaid facts that the petitioner, Gupteshwar Chaudhary is 65 years of age and is in custody since 19.7.2021 as also the petitioner, Ramashankar Chaudhary who has remained in custody since 4.7.2021, this Court is inclined to grant them the privilege of bail with strict



conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned 8th Additional Sessions Judge, Rohtas at Sasaram in connection with Sessions Trial No. 323 of 2021 arising out of Dinara (Bhanas) P.S. Case No. 110 of 2010 , subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ravi/Ajay/-

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