

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6903 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- BELHAR District- Banka

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Dhiraj Kumar Choudhary, Son Of Late Ashok Choudhary, R/O Chitrasen,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Belhar P.S. Case No. 364 of 2022 registered for the alleged offences under Sections 461 and 379 of the Indian Penal Code.

3. As per prosecution case, theft was committed in a school and a computer and other peripheral articles were stolen by unknown thieves. The name of the petitioner surfaced during investigation as one of the accused persons.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Nandan Kumar. Nothing incriminating has been recovered from



the conscious possession of the petitioner. The co-accused, who named this petitioner, has been granted bail by the learned lower court. Learned counsel further submits that though the recovery of some articles were made but it was on the basis of disclosure made by co-accused Nandan Kumar. The petitioner is in custody since 20.10.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner or at his instance and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 364 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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