

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17411 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- PIRO District- Bhojpur

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1. SHIVJI CHOUDHARY SON OF SRI MEDAR CHOUDHARY @ KAMENDRA CHOUDHARY RESIDENT OF VILLAGE- RAJPUR, PS-NATWAR, DISTRICT- ROHTAS
 2. SUDHIR CHOUDHARY SON OF MEDAR CHOUDHARY @ KAMENDRA CHOUDHARY BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 When the case was called out, it has been informed by Mr. Ranjeet Choubey that the file is not available with him and as such, he is unable to assist the Court.

Heard learned APP for the State.

The petitioners apprehend their arrest in connection with Piro P.S. Case No. 298 of 2022 for the offence registered under sections 457 and 380 of the Indian Penal Code lodged on 09.06.2022 by the informant, Chandan Choudhary.

The prosecution case, in short, as disclosed in the written statement of information before the S.I.. Piro Police Station is that on 09.06.2022 at around 01:30 AM at midnight,



when the informant woke up to drink water, he saw four-five persons breaking his box. On alarm raised by the informant, all the accused persons started running away out of which one accused person was caught.

On inquiry, he named the present petitioners as his accomplice. The informant then went in the room and found that some ornaments alongwith cash of Rs. 35,000/- is missing. Accordingly, the FIR.

It has been incorporated in the petition that the petitioners are labour and their names have been dragged due to enmity, they had no role to play and only because they have criminal antecedent, implicated

Learned APP for the State opposes the prayer for anticipatory bail stating that their names have come in the FIR.

Taking into account the facts that their names have come in the confessional statement as also that both the petitioners are young and are own brothers, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned J.M. 1st Class, Bhojpur, Ara in connection with Piro P.S. Case No. 298 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 month for next one year to mark 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 their 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 their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.



(Rajiv Roy, J)

Jagdish/Neha/-

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