

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22160 of 2023

Arising Out of PS. Case No.-594 Year-2022 Thana- BARH District- Patna

=====

Kundan Choudhary @ Nandan Choudhary Son Of Subelal Choudhary @
Subey Choudhri R/O Village- Dumrawan, P.S.- Asthawa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barh P.S. Case No. 594 of 2022 registered on 08.09.2022 for the alleged offences under Sections 224, 225, 201, 120(b), 216 and 34 of the Indian Penal Code.

3. As per prosecution case, three notorious criminals escaped from the court custody when they were brought to the court for appearance by breaking wall of the bathroom of the *hazat*. The name of the petitioner transpired during investigation as the accused who helped the prisoners to escape from the court custody.

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



case. Petitioner has not been named in the FIR and his name came up at the instance of one Deepak Kumar who made a confession before the police after his arrest. Deepak Kumar disclosed the name of the petitioner as his associate, but even the said Deepak Kumar has not been named in the present FIR. Learned counsel further submits that it has been alleged that the petitioner was in contact with the prisoners who escaped, but it is not believable that while in custody prisoners were having mobile phones by which they are said to be in contact with this petitioner. Moreover, the mobile number said to be used by the petitioner belongs to one Kaari Devi. Learned counsel further submits no cogent material has come up against this petitioner to associate him with the alleged offences. The petitioner is in custody since 07.12.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is accused in two more cases of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering his period of custody and the 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 Additional Chief Judicial Magistrate-1st, Barh, Patna/court concerned in connection with Barh P.S. Case No. 594 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

himanshu/-

U		T	
---	--	---	--

