

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23267 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- ROSHANGANJ District- Gaya

Chotu Chowdhary @ Dhananjay Chowdhary, male, aged about 30 years, son of Balendra Choudhary, resident of Village- Lemboia, PS- Roshanganj, Dist- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Roshanganj (Banke Bazar) PS Case No.104 of 2022 dated 18.05.2022, instituted for the offence punishable under Sections 387, 414, 436, 386, 307/34 of the Indian Penal Code and Sections 25(1-B)(A), 26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that on 17.05.2022 at about 8.45 AM, four persons came on two motorcycles and took petrol. Petrol tank of both the motorcycles were fully filled up. When the price of the petrol was demanded, the accused persons took out revolver and disclosed about themselves as member of KK Tiger Group. It is further alleged that they handed over a paper in which ransom of rupees ten



lakh was demanded. In the same night at about 11.40 PM, the accused persons came on the Petrol Pump and set on the Petrol Pump on fire due to which a school bus and a motorcycle were fully burnt and Petrol Pump was also damaged badly. Anyhow, the fire was doused. After the incident, the accused persons fled away toward Dumrawa More where local people tried to intercept them but they fled away leaving one Apache and one Pulsar motorcycle as well as three firearms.

4. Learned counsel for the petitioner submits that petitioner is not concerned with the seized motorcycles and firearms in any way. It is further submitted that the Mobile No. 7295976952, which was allegedly used for demanding ransom, does not belong to the petitioner. The petitioner has been made accused only on the basis of suspicion and his past criminal antecedents. Learned counsel further submitted that no Test Identification Parade has been conducted by the prosecution side. Nothing has been recovered from his possession. The petitioner is in custody since 28.06.2022 and charge-sheet has been submitted in the case. Eleven criminal cases are pending against against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Sherghati, in Roshanganj (Banke Bazar) PS Case No.104 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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