

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20714 of 2023**

Arising Out of PS. Case No.-108 Year-2022 Thana- ROSHANGANJ District- Gaya

Chotu Chowdhary @ Chhotu Chaudhary @ Dhananjay Chowdhary @
Dhananjay Chaudhary S/O- Balendra Chaudhary Village- Lemboia P.S-
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 RAJESH KUMAR VERMA
ORAL ORDER**

6 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 28.06.2022, in connection with Roshanganj (Banke Bazar) P.S. Case No. 108 of 2022, F.I.R. dated 22.05.2022 registered for the offences punishable under Sections 353, 307, 506, 504 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 19.05.2022 at about 16:21 P.M. he along with other police persons were on patrolling duty in the meantime, they got secret information that few days back a group of K.K. Tiger demanded extortion from the owner of the Petrol Pump and Businessman of the locality and further threatened them with dire consequence if they fail to fulfill their demand. It is further alleged that on 19.05.2022 at about 18:57 the informant on his official mobile no. 7992425097



received a call of Chhotu Chaudhary @ Dhananjay Chaudhary from mobile bearing no. 7295976952 on which he abused and threatened the informant with dire consequence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation the group of K.K. Tiger had demanded extortion money from the owner of the petrol pump. He further submits that mobile number in question does not belong to the petitioner and the petitioner has been implicated in the present case due to his previous criminal antecedents and even the police has not verified the mobile number that who is the owner of the mobile number in question and only falsely implicate the petitioner in the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.06.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eleven more cases other than the present one in which but fairly submits on the basis of supplementary affidavit filed by the petitioner that the petitioner is on bail in eight cases.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sherghati, District- Gaya in connection with Roshanganj (Banke Bazar) P.S. Case No. 108 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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