

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21020 of 2023**

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

UDAY CHOUDHARY Son of Satyendra Choudhary R/V- Lemboiya, PS-  
Roshanganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      12-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 28.06.2022, in connection with Roshanganj P.S. Case No. 104 of 2022, F.I.R. dated 18.05.2022 registered for the offences punishable under Sections 387, 414, 436, 386, 307/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

Allegation against the petitioner is that he along with other co-accused persons came on the motorcycles at the Petrolpump and submitted a cheat of paper to the informant who is Manager of Ananya Automobiles Petrolpum in which demanded ransom amount of Rs. 10 lakhs and fled away.

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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused persons Chhotu Chaudhary @ Nanhak Chaudhary. He further submits that nothing incriminating article has been recovered from the possession or the house of the petitioner and as per paragraph-40 of the case diary it has come that one mobile was recovered which was in the name of the petitioner and as per allegation the same mobile was used for extortion from the informant. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it appears that the mobile number was mentioned in the F.I.R. as 7295976952 but the recovered mobile no. 7479476700. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries three more cases other than the present one in which he is on bail in all the cases.

Considering the facts and circumstances of the case, 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 1<sup>st</sup> Class, Sherghati, Gaya in connection with Roshanganj P.S. Case No. 104 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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