

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32970 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- SINGHESHWAR District- Madhepura

Dilkhush Chauhan S/O Sikendra Chauhan R/O Village- Budhave, P.S-
Singheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
04.01.2023 in connection with Singheshwar P.S. Case No. 153
of 2022, F.I.R. dated 28.06.2022 for the offences punishable
under Sections 394 of the Indian Penal Code and Section 25(1-
B)a, 27 and 35 of the Arms Act.

3. According to prosecution case, the petitioner along
with his companion are alleged to have looted a cash of Rs.
6000/- from the informant on the point of gun.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by co-accused
namely, Md. Samsad. He further submits that nothing has been
recovered from the conscious possession or the house of the



petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Dilip Chauhan has been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 54207 of 2022, another co-accused namely, Mithlesh Ram has been granted bail by this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 67291 of 2022 and another co-accused namely Md. Samsad has been granted bail by this Court vide order dated 05.05.2023 passed in Cr. Misc. No.7499 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 153 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 witnesses, 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 antecedent, 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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