

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37289 of 2023**

Arising Out of PS. Case No.-10 Year-2023 Thana- JADIA District- Supaul

Bikash Chaudhary Son Of Raju Chaudhary Resident Of Village - Rampur,  
Shyam Nagar, Ward No. 9, P.S. - Pipra, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

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

3      08-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 03.01.2023 in connection with S.T. No. 177 of 2023, Jadia P.S. Case No. 10 of 2023, F.I.R. dated 12.01.2023 for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

4. According to prosecution case, 8-10 unknown miscreants intercepted the truck of the informant and looted the same which was loaded with 2160 kgs of Makhana and also snatched mobile phone and Rs. 12,000/- on the point of pistol.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been 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 that the police have recovered truck from the godown of Bablu Choudhary where petitioner along with other accused persons have been found unloading the truck. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Satya Narayan Chaudhary, Shankar Chaudhary and Suresh Chaudhary have been granted bail by a co-ordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 44382 of 2023. The petitioner is in custody since 03.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of



the bail petition that the petitioner is on bail in the said case.

7. 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 Sessions Judge, Supaul in connection with S.T. No. 177 of 2023, Jadia P.S. Case No. 10 of 2023, 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)**

Vanisha/-

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