

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59084 of 2023

Arising Out of PS. Case No.-155 Year-2020 Thana- ALOULI District- Khagaria

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KAMLESH CHOUDHARY @ KAMLESH KUMAR SON OF LATE
GANDEV CHOUDHARY RESIDENT OF VILLAGE KANTI PS
SALKHUA DISTRICT SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Alauli P.S. Case No. 155 of 2020 (G.R. No. 1506 of 2020) registered for the offences under section 394 of the Indian Penal Code lodged on 22.05.2020 by the informant, Santosh Kumar.

3. As per the prosecution story, the allegation is that when the informant who is a Panchayat Teacher was returning after feeding the migrants during Covid-19 period, the accused persons intercepted the motorcycle, on the point of pistol snatched Rs. 5,200/- as also some clothes, he was further assaulted. Accordingly, the FIR.

4. It is the case of the petitioner that he do not have criminal antecedent, has been implicated in this case and no



T.I.Parade conducted.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that in a May, 2020 FIR, he has chosen to come into judicial custody three years later in May, 2023.

6. Taking into account the fact that he do not have criminal antecedent, nothing has been recovered from his conscious possession and/or no T.I.Parade conducted, this Court is inclined to extend him privilege of bail but only after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 155 of 2020 (G.R. No. 1506 of 2020), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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