

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61544 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Gorakh Chaudhary @ Upendra Kumar S/O Dashrath Chaudhary R/O Village-
Dayal Bigha, P.S- Sasaram (M), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 338, 307, 323, 353 of the Indian Penal Code and section 45 of the Bihar Prohibition and Excise Act, 2018.

3. Allegation against this petitioner is that petitioner was member of the mob involved in rescuing the co-accused Yogi Choudhary from the police custody. The mob also pelted stones on the police party which caused injury to the policemen and also damaged police vehicle.

4. It is submitted by the counsel for petitioner that petitioner is not named in the FIR. During course of investigation, name of petitioner transpired int his case. Other



FIR named accused has been granted bail by a coordinate Bench of this court vide order dated 28.08.2023 passed in Cr. Misc. No. 56424 of 2023. Petitioner is only alleged to be member of the mob and he claims clean antecedent.

5. Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case and the fact that there is no recovery from conscious possession of the petitioner, let the above-named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 311 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure; subject to the further conditions that:



(i.) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii.) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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