

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65061 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- KHODAWANDPUR District- Begusarai

LAL BABU CHOUDHARY S/o Hira Lal Choudhary @ Hira Choudhary R/o
Village- Ataura, P.S.- Bhagwanpur (Tiyari OP), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Informant	:	Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.06.2022 in connection with S.T. No. 766 of 2022, arising out
of Khodawandpur P.S. Case No. 81 of 2022, F.I.R. dated
11.04.2022 for the offences punishable under Sections 395, 397,
307, 326 of the Indian Penal Code and Section 27 of the Arms
Act.

According to prosecution case, in the F.I.R. the
allegation of dacoity is there against 7 unknown accused
persons. The allegation of firing by which injury took place are
there in the F.I.R.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that 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 namely, Kundan Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the co-accused Ranjit Thakur and Ajay Kumar @ Diamond who have been granted bail by a co-ordinate Bench of this Court vide orders dated 01.11.2022 and 21.02.2023 passed in Cr. Misc. No. 38548 of 2022 and Cr. Misc. No. 56226 of 2022 and the case of the petitioner is on similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.06.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that petitioner is on bail in Bhagwanpur P.S. Case No. 105 of 2022 as mentioned in Para-3 of the bail



petition.

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 Sub-Divisional Judicial Magistrate, Manjhaul in connection with S.T. No. 766 of 2022, arising out of Khodawandpur P.S. Case No. 81 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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