

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71113 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- RAJPUR District- Buxar

CHANDAN KUMAR CHOUHAN SON OF DINBANDHU CHOUHAN
RESIDENT OF VILLAGE- SARENJA, PS- RAJPUR, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate Mr. Avinava Kumar, Advocate.
For the Opposite Party/s:		Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Learned counsel for the petitioner prays for allowing him to make necessary correction in paragraph-7 of the bail petition which is allowed to do so in course of the day.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. In the present case, the petitioner seeks bail in connection with Rajpur P.S. Case No. 231 of 2023 dated 15.6.2023 registered for the offence punishable under Section 395 of the Indian Penal Code.

4. As per prosecution case, five miscreants surrounded the informant and at gun point snatched



Rs.11,250/- and a Mobile phone from him while the informant was coming with his younger brother on a Motorcycle. The name of the petitioner transpired as one of the dacoits.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on suspicion. The name of the petitioner surfaced in this case on the basis of confessional statement of co-accused Dinesh Chauhan. The petitioner has not been arrested on spot and no incriminating articles has been recovered from his person or possession. Though, the Test Identification Parade was conducted but the informant did not identify any of the accused persons. There is no material against the petitioner except the confessional statement of co-accused which was extracted by the Police with dubious means. Learned counsel submits that co-accused Niraj Chouhan has been granted bail by a co-ordinate Bench of this Court by order dated 13.10.2023 passed in Cr. Misc. 65357 of 2023. The petitioner is in custody since 17th of June, 2023 and charge sheet has been submitted. The petitioner has criminal antecedent of one case in which he is



on bail.

6. Learned APP opposes the prayer for bail and submits that the name of the petitioner transpired during investigation and looted Motorcycle as well as money was also recovered.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against the petitioner to connect him with the offence as alleged and also his period of custody and submission of chargesheet against him, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection Rajpur P.S. Case No. 231 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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