

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74861 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- NOKHA District- Rohtas

Munshi Chaudhary @ Amarjeet Chauddhary, S/O Ram Ayodhya Chaudhary
R/O Village- Katharai, P.S- Charpokhari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nokha P.S. Case No. 167 of 2022, lodged on 18.05.2022 under
Section 394 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 4 unknown accused persons against whom the
allegation is of committing robbery in Bandhan Bank of Rs.
1,94,710/-, 3 tabs and 3 mobile phones.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that nothing incriminating has been recovered from
the possession of the petitioner. Counsel further submits that the
petitioner was also not put on TIP.



5. Learned counsel for the petitioner submits that the name of the petitioner has come only and only by virtue of the confessional statement of the co-accused. Counsel further submits that the present petitioner is in custody since 15.04.2023 and there are 9 criminal antecedents of the petitioner in which in all the cases he is on bail.

6. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that criminal antecedents of the petitioner is not clean and there are total 9 criminal cases pending against him and all the cases are of bank dacoity and Arms Act.

7. In the present facts and circumstances of this case and the submissions made above that nothing has been recovered from the petitioner nor he was put on TIP, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1, Rohtas at Sasaram in connection with Nokha P.S. Case No. 167 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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. The speedy trial is the constitutional provision of justice. It transpires to this Court that there are in total 9 criminal cases pending against the petitioner. The description of those cases police station wise are as follows:-

I. Charpokhari P.S. Case No. 84/17 u/s 395 of IPC.

II. Piro P.S. Case No. 216/19 u/s 394 of IPC.

III. Piro P.S. Case No. 175/22 u/s 395 of IPC.



IV. Sikarhatta P.S. Case No. 82/20 u/s 395 of IPC.

V. Bikramganj P.S. Case No. 26/18 u/s 395 of IPC.

VI. Bikramganj P.S. Case No. 8/18 u/s 395 of IPC.

VII. Bikramganj P.S. Case No. 235/22 u/s 395 of IPC.

VIII. Bikramganj P.S. Case No. 30/18 u/s 25(1-b)a,
26, 35 of the Arms Act.

IX. Nawanagar P.S. Case No. 122/22 u/s 395 of IPC.

9. The District and Sessions Judge, Rohtas before whose jurisdiction Bikramganj comes is directed to do the needful so that trial of all cases relating to the Rohtas territory shall run before one Magistrate or one Sessions Court as the case may be. It is also directed to the counsel for the petitioner that he shall file the certificate that the charge has been framed in all the cases then only the petitioner shall be released.

(Dr. Anshuman, J.)

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