

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74247 of 2023

Arising Out of PS. Case No.-163 Year-1999 Thana- RAJAOLI District- Nawada

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Rajendra Chaudhary @ Chhotawa S/O Late Hari Chaudhary Resident of
Village- Bajaranj Nagar Tilaiya, P.S. Tilaiya, District - Kodarma, State-
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 516 of 2023, arising out of Rajauli P.S. Case No. 163 of 1999, registered on 04.11.1999 for the alleged offences under Sections 399/402 of the Indian Penal Code and Sections 3, 4, 5 of Explosive Substances Act.

3. As per prosecution case, during regular patrolling police party heard sound of bomb explosion and when it reached the spot, they found co-accused Bhola Yadav, who received splinter injury in his hand. Co-accused Bhola Yadav disclosed the name of the petitioner along with other co-accused persons



with whom he had been making plan for committing dacoity and due to the accidental fall of bomb, suffered injury. He disclosed that the petitioner and other co-accused persons fled away leaving him behind.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his person or possession. Learned counsel further submits that the petitioner has no knowledge about the present case as he has been named in the disclosure statement of the co-accused as one Chhotwa Chaudhary, who is the younger brother of the petitioner but under some confusion, the petitioner has apprehended him in this case. Earlier no summon has been received by the petitioner though after completing investigation police submitted charge sheet and declared him permanent absconder on 16.11.2010. The petitioner is a poor person and is a labourer. He is aged 63 years and has got no criminal antecedent. The petitioner is in custody since 05.06.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.



6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and further considering the clean antecedent of the petitioner and submission of charge sheet, 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 Additional Sessions Judge-IIIrd, Nawada/concerned court in connection with Sessions Trial No. 516 of 2023, arising out of Rajauli P.S. Case No. 163 of 1999, 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 the 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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