

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78422 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- PHULWARIYA District- Gopalganj

Guddu Chauhan Son Of Sabhapati Chauhan R/O Of Village- Husepur, P.S.-
Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the State : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Phulwaria (Sripur O.P.) P.S. Case No. 162 of 2023 instituted for
the offence under Sections 413, 414/34 of the Indian Penal
Code.

3. As per prosecution case, there is recovery of
motorcycle from the petitioner's possession.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 15-05-2023. Petitioner
bear two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Recovered motor cycle was not from the conscious possession of the petitioner. In fact, petitioner has no concern with the alleged recovery. Other co-accused persons have been allowed bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 58671 of 2023, 64087 of 2023, 63606 of 2023 and 59487 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwaria (Sripur O.P.) P.S. Case No. 162 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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