

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27837 of 2024

Arising Out of PS. Case No.-472 Year-2022 Thana- BEUR District- Patna

Suraj Choudhary @ Suraj Kumar Choudhary S/o Late Anil Choudhary R/o
Damariya near Kabristan, P.s. - Gardanibagh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Jha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Samrendra Jha, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Beur P.S. Case No. 472 of 2022, F.I.R. dated 22.09.2022 for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

3. According to prosecution case, the allegation against the petitioner and two other accused persons is of stealing the UPS Battery from Lara Petrol Pump.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused, namely, Md. Parwej and Dipak Kumar. He further



submits that except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner has no concern at all with the co-accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate, 1st Class, Patna in connection with Beur P.S. Case No. 472 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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