

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37449 of 2024

Arising Out of PS. Case No.-49 Year-1998 Thana- DHANSOI District- Buxar

Dadan Choudhary @ Dadan Noniya S/o Late Inar Noniya @ Injar Choudhary
R/o Village Mirjapur PS Dinara Dist Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S. Tr.
No. 36 of 2024 arising out of Dhansoi P.S. Case No. 49 of 1998
instituted for the offences under Sections 364(A), 377/34 of the
Indian Penal Code.

3. The allegation against the accused persons including
the petitioner is of forcibly taking away the Informant and one
Sanjay and keeping them in a house. It is alleged that the
Informant was taken to another house adjacent to Durga Temple
for sixteen days where he was subjected to unnatural sex.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The present case is a misuse of the liberty of bail. As a matter of fact, the petitioner was earlier granted bail on 09.11.2000 in B.P. No. 698 of 2000 but, due to non-appearance, the bail of the petitioner was cancelled on 26.09.2011 and NBW were issued. Thereafter, the case of other co-accused was committed on 16.12.2011 and the case of the petitioner was split up. He further submits that the petitioner was taken into custody in connection with Karahagar P.S. Case No. 99 of 2013 on 28.05.2013 and vide S.Tr. No. 501 of 2013, the learned F.T.C.-2, Sasaram at Rohtas convicted the petitioner and others awarding R.I. for life on 09.01.2018. Against the said judgment of conviction, the petitioner filed Cr. Appeal (DB) No. 157 of 2018 in which the conviction was set aside vide judgment dated 31.07.2023 and , accordingly, the petitioner was released from Sasaram jail in September, 2023 and, as such, the petitioner is in jail since 28.05.2013 to September, 2023 i.e. for more than ten years at Sasaram jail. Learned counsel for the petitioner further submits that when the petitioner came to know, he surrendered on 24.01.2024 and on the same day, the case as committed to the Court of Sessions and the charges were framed on 21.02.2024



and the summon has also been issued to the prosecution witnesses. On 01.04.2024, the P.W.1 was examined who has not supported the case. Learned counsel for the petitioner submits that the petitioner undertakes to cooperate the trial till ends and shall abide by the condition/s laid down by this Hon'ble Court.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the undertaking given by the petitioner, let the petitioner, abovenamed, 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 S. Tr. No. 36 of 2024 arising out of Dhansoi P.S. Case No. 49 of 1998, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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