

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62574 of 2024

Arising Out of PS. Case No.-324 Year-2021 Thana- DIGHA District- Patna

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Kallu Chaudhary @ Kallu Kumar @ Jitendra Kumar Son Of Raju Chaudhary
@ Raj Kumar Chaudhary Resident Of Mohalla - Rajiv Nagar Road No. 19,
P.S. - Rajiv Nagar, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lovekush Kumar, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-09-2024 Supplementary affidavit in terms order dated
06.09.2024 has been filed.

2. Office is directed to make necessary correction in
the cause title.

3. Heard learned counsel for the petitioner and
learned APP for the State.

4. In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 1245 of 2022, arising out of
Digha P.S. Case No. 324 of 2021 registered on 15.06.2021
initially for the alleged offences under Section 392 of the Indian
Penal Code. Later on, Sections 395 and 412 of the IPC were
also added.

5. As per prosecution case, the FIR named three co-



accused persons stopped the motorcycle of the informant and three more persons joined them and they assaulted and forcibly snatched Rs.2,30,000/- from the bag of the informant and also took away his purse containing Aadhar card, PAN card and driving licence. The name of the petitioner transpired during investigation as one of the accused persons involved in the said occurrence.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner who has been named in this case merely on suspicion. The petitioner has not been put to Test Identification Parade. The FIR named co-accused persons have been granted bail by this Court as well as a Co-ordinate Bench vide order dated 08.04.2022 passed in Cr. Misc. No. 64261 of 2021 and order dated 30.08.2022 passed in Cr. Misc. Nos. 64829 of 2021 and 71454 of 2021, respectively. The case of the petitioner stands on better footing. The petitioner is having antecedent of three cases and he is on bail in two cases. The petitioner is in custody since 01.09.2021.

7. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner



appears to be a habitual offender.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that nothing incriminating has been recovered from the person or possession of the petitioner and further considering the grant of bail to other co-accused persons and period of custody of the petitioner, the petitioner above named is directed to 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 learned Additional Sessions Judge-XIII, Patna/concerned Court in connection with Sessions Trial No. 1245 of 2022, arising out of Digba P.S. Case No. 324 of 2021, 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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