

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66636 of 2024

Arising Out of PS. Case No.-164 Year-2020 Thana- BACHHWARA District- Begusarai

Raja Choudhary Yadav @ Raja Choudhary @ Aman Kumar Choudhary Son
of Sitaram Choudhary Resident of Village - Nagargama, P.S. - Dalsinghsarai,
District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard the parties.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Sessions Trial No. 159 of 2022 arising out of Bachhwara P.S. Case No. 164 of 2020, registered for the offences punishable under Section 392 of the Indian Penal Code.

3. Allegedly, while the informant and four other persons were working in Dularpur Branch of Bharat Financial Inclusion Ltd. as field staff and after collecting money from the customers, when they were returning, in the meantime, four unknown miscreants riding on two motorcycles surrounded them and looted bag containing cash of Rs.3,14,493/- and other valuables, including three Samsung Tabs and Bio metric Machine.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. During the course of investigation, the spy of the police disclosed the



name of some of the persons and thus the police apprehended the petitioner, whereafter the confessional statement of the petitioner was recorded confessing his complicity in the crime. Save and except the self confession, there is no cogent material suggesting the involvement of the petitioner in the crime. Neither petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. The false implication of the petitioner is said to be his criminal antecedent, as has been disclosed in paragraph-3 of the application. One of the co-accused person having more or less identical allegation has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 54261 of 2021 vide order dated 29.08.2022. The petitioner has been incarcerated since 25.06.2021.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears nine criminal antecedents of identical nature which speaks loud about his complicity in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and the petitioner has been incarcerated for over a period of three years, coupled with the



fact that the entire case is based on his confession, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Begusarai in connection with Sessions Trial No. 159 of 2022 arising out of Bachhwara P.S. Case No. 164 of 2020, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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