

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72644 of 2024**

Arising Out of PS. Case No.-491 Year-2021 Thana- BAGHA District- West Champaran

Sarwajit Chaudhary @ Satrajit Chaudhary S/o- Late Brahmdeo Chaudhary  
Village- Paras Nagar PS-Chautarwa Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      04-10-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with Bagaha (Bhairoganj) P.S. Case No. 491 of 2021 for the offence punishable under Sections 392, 395, 400 and 412 of the Indian Penal Code lodged on 24.09.2021 by the informant, Ayush Kumar.

3. As per the prosecution story, the informant after collection of Rs.70,000/- was returning Bhairoganj. As he reached Nonia Patti Puliya, two motorcycles borne accused persons intercepted him and after slapping him, looted the aforesaid amount including the Tab and Biometric Machine from the dicky of his motorcycle. They later left the place whereafter this FIR has been lodged.

4. Learned counsel for the petitioner submits that his



name has come in the confessional statement of co-accused Rajan Chaudhary and nothing has been recovered from his conscious possession nor he has been put on Test Identification Parade despite being in custody since 17.07.2023 (para-11 of the petition). Though, he concedes that he has criminal antecedent. Last submission is that similarly placed accused Ashok Tiwari has since been granted bail by this Court in Cr. Misc. No. 26181 of 2022 (Annexure-2 to the petition).

4. Learned APP opposes the prayer submitting that he has criminal antecedent.

5. Though, the petitioner has criminal antecedent, the fact remains that nothing has been recovered from his conscious possession nor he has been put to T.I. Parade despite he being in custody more than a year, similar placed co-accused has been granted bail, he undertakes to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st A.C.J.M., Bagaha, West Champaran, in connection with Bagaha (Bhairoganj) P.S. Case No. 491 of 2021 subject to the following



conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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