

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73677 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- KURSAILA District- Katihar

UDAY CHOUDHARY SON OF LATE RAM BARAN CHOUDHARY
RESIDENT OF VILLAGE- AGWANI DUMARIA, POLICE STATION-
PARBATA, DISTRICT- KHAGARIYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kurshela P.S. Case No. 74 of 2023, S.T. No. 417 of 2023 registered for the offences punishable under Sections 399, 402 of the IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, informant received secret information that some persons who are said to have sitting in the Scorpio vehicle are making planning to commit dacoity. Informant alongwith police officials reached the said place and saw that some of the miscreants were found in suspicious mode and when they saw the police, all miscreants tried to flee away but four of the miscreants were apprehended. It is alleged that from the possession of co-accused, Mithu Kr Jha, one loaded country made pistol and after



unloading the same one live cartridge was recovered. It is further alleged that one Nokia mobile was recovered from Uday Choudhary (petitioner), one Samsung mobile and one Scorpio vehicle were recovered from co-accused Deepak Mishra and one LAVA mobile was recovered from co-accused Lalan Singh.

4. Learned counsel for the petitioner submits that petitioner is in custody since 20.04.2023 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused, Lalan Singh, has already been granted bail vide Cr. Misc. No. 72623 of 2023 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on



bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-III, Katihar in connection with Kurshela P.S. Case No. 74 of 2023, S.T. No. 417 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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