

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78459 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- DUMRAO District- Buxar

Chhote Lal Chaurasiya @ Chhotu Son of Kashinath Chaurasiya @
Kasheenath Chaurasiya Resident of Village- Ruiyan PO- Darauli PS-Bhabhua
District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Adv.
Mr. Shivanand Singh, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard Mr. Rajesh Kumar Singh, learned Senior

Counsel for the petitioner and Mr. Mohammad Sufyan, for the

State.

2. The petitioner is in judicial custody in connection
with Dumraon P.S. Case No.269 of 2024 for the alleged offence
under section 112(2), 319(2), 338, 336(3), 340(2), 3(5) of the
Nyaya Sanhita (BNS), 2023 lodged on 07.08.2024 by the
informant

3. As per the prosecution story, the informant, on
information that in connection with Bihar Constable
Examination, those engaged in manipulating the examination
are staying in the hotel, the Hotel, Anand Vihar was raided and
upon searching the room, Chhotelal Chaurasia @ Chhotu and



Raushan Chaurasia (the petitioner herein) were found in the room. As the other examinees staying there started assembling, they were taken along with the belongings to the Police Station. upon search, number of documents/admit cards were recovered/seized from Chhotelal Chaurasia @ Chhotu relating to the examination. So far as this petitioner is concerned, the allegation is that from his bag, a purse, Aadhar Card, a Debit Card in his name, mobile as such his belongings beside the motorcycle were recovered/seized. As both were in the same room, apprehended which followed the FIR.

4. Learned Senior Counsel for the petitioner submits that though the accusation has been made against this petitioner, the fact remains that the accused persons were there to appear in the examination, it is not the case of the prosecution that any crime was committed, mere presence of certain documents cannot take the prosecution to the conclusion that the petitioner was going to commit crime, he is young and if granted relief, will co-operate in the investigation/appear in the trial diligently. He is in custody since 08.08.2024 (para-4 of the petition) having no criminal antecedent.

5. It is further submission of learned Senior Counsel that a similarly situated co-accused, Raushan Chaurasiya has



been extended relief in Cr. Misc. No. 75865 of 2024.

6. Let the same be kept on record.

7. Learned APP opposes the prayer submitting that he was in the same room where Raushan Chaurasiya was apprehended. However, he concedes that Raushan Chaurasiya has been granted bail in Cr. Misc. No. 75865 of 2024.

8. Taking into account the aforesaid facts as also that the petitioner is a young person, has no criminal antecedent, already remained in custody since 08.08.2024, another co-accused, Raushan Chaurasiya has been granted bail as stated above, keeping him in jail with dreaded criminals will not be better for the society, he has undertaken to co-operate in the investigation/appear in the trial diligently, in that background, this Court is inclined to extend him the privilege of bail.

9. 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 Chief Judicial Magistrate, Buxar, in connection with Dumraon P.S. Case No.269 of 2024 subject to the following conditions:

(i) one of the bailors 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 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;

(iv) 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)

perwez

U		T	
---	--	---	--

