

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2390 of 2024

Arising Out of PS. Case No.-206 Year-2019 Thana- NASRIGANJ District- Rohtas

1. Rishi Chaudhary @ Ridhi Choudhary S/o Suryanath Chaudhary R/o village Wazirganj, PO- Karwandiya, PS Sasaram (M), District- Rohtas
2. Sudhir Choudhary S/o Fulai Choudhary R/o village Wazirganj, PO- Karwandiya, PS Sasaram (M), District- Rohtas
3. Bhola Chaudhary S/o Vimal Chaudhary R/o village Wazirganj, PO- Karwandiya, PS Sasaram (M), District- Rohtas
4. Budhan Chaudhary @ Dinesh Kumar S/o Shankar Chaudhary @ Shankar Singh R/o village Wazirganj, PO- Karwandiya, PS Sasaram (M), District- Rohtas
5. Raju Chaudhary @ Raju Singh S/o Raj Kishor Singh R/o village Wazirganj, PO- Karwandiya, PS Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-01-2024 Heard Mr. Maya Shankar Mishra, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nasriganj P.S. Case No. 206 of 2019 registered for the offence punishable under Section 395 of the Indian Penal Code.

3. Allegedly, while the informant along with the owner of the Bolero Pickup Van, were going on it, in the meantime, 9-10 unknown miscreants riding on different motorcycles overtook the vehicle of the informant and snatched



the valuables and also took away the Bolero Pickup Van.

4. It is submitted on behalf of the petitioners that the FIR has been instituted against unknown miscreants. However, later on, during the course of investigation, co-accused Ranjan Choudhary was apprehended and on his confession, the name of the petitioners have transpired. It is further submitted that the alleged confession before the police, which has no evidentiary value, has also been made after nineteen months of the occurrence. Barring the confessional statement, there is no other material, suggesting the complicity of the petitioners in the crime. Moreover, no looted articles or any incriminating material has been recovered from the whereabouts of the petitioners. It is next submitted that all the petitioners have also been made accused in one excise matter and barring the said case, they do not have any criminal antecedent.

5. On the other hand, learned counsel for the State, opposed the bail application and submitted that the complicity of the petitioners has transpired on the confessional statement of co-accused from whose possession, the Bolero Pickup Van was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the



confessional statement on which the name of the petitioners have transpired, has been made after nineteen months of the alleged occurrence and barring the confessional statement, there is no other material nor any incriminating material has been recovered from the whereabouts of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 206 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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