

(2021) 05 PAT CK 0096

In the Patna High Court

Case No : Criminal Miscellaneous No. 22816 Of 2021

Sujeet Choudhary

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 27-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 379, 461

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 05 PAT CK 0096

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Arya Achint, Jharkhandi Upadhyay

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. The matter has been heard out of turn on the basis of motion slip being filed by learned counsel for the petitioner yesterday, which was allowed.
3. Heard Mr. Arya Achint, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
4. The petitioner apprehends arrest in connection with Sirdalla PS Case No. 134 of 2015 dated 13.07.2015, instituted under Sections 461/379 of the Indian Penal Code.
5. The allegation against the petitioner is that he was member of a gang which had stolen 12 computers, office documents and cash from the under construction school of the informant.
6. Learned counsel for the petitioner submitted that he is nowhere connected to

any crime, and though it has not been stated in the main petition, but the petitioner is the cousin of co-accused Pradeep Choudhary from whom there has been recovery of one of the computers stolen from the school of the informant. It was submitted that only on his confessional statement that the petitioner was also member of the gang which used to commit such offence he has been made accused. It was submitted that no other material has been found by the police during investigation to connect him to the crime and thus, charge sheet, as of now has only been submitted against co-accused Pradeep Choudhary and the investigation against the petitioner is still shown to be in progress, as is clear from the Final Form/Report submitted by the police dated 09.03.2016, copy of which has been made along with the FIR, and which has also been noticed by the Additional District and Sessions Judge, 4th, Nawada in A.B.P. No. 1442 of 2020/71 of 2020, in order dated 28.11.2020, while rejecting the prayer for anticipatory bail of the petitioner. Learned counsel submitted that the petitioner has no criminal antecedent.

7. Learned APP submitted that the petitioner is accused of being partner of his cousin, who has named him and from whom recovery has been made and, thus, it is clear that he is also party to many other crimes.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Nawada in Sirdalla PS

Case No. 134 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the

bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the

petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of

any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the

undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every

date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.