



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. /2024
(@ SLP (CRL.) NO.10443/2023)

DULARE CHOUDHARY

APPELLANT(S)

VERSUS

STATE OF BIHAR

RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the order dated 20.07.2023 passed by the High Court of Judicature at Patna in CrI. Misc. No.8330/2023.

Apprehending arrest in connection with crime registered pursuant to FIR No.50/2022 dated 01.02.2022, lodged with Police Station Darbhanga Sadar, Darbhanga, Bihar, in respect of the offences punishable under Sections 409, 420, 467, 468, 471, and 34 of the Indian Penal Code, 1860 (for short "IPC"), the appellant preferred the application before the High Court seeking anticipatory bail in terms of Section 438 of the Code of Criminal Procedure, 1973 ("the Code" for short) on two occasions. Said application for anticipatory bail having been rejected *vide* impugned order, the instant appeal has been preferred.

By order dated 28.08.2023, while issuing notice, this Court granted interim protection in favour of the appellant.

We have heard learned counsel in support of the appeal and learned counsel for the respondent-State.

Learned counsel for the appellant has submitted that the First Information Report in the instant case is nothing but a second Report lodged on the same facts as was lodged on earlier occasion wherein the appellant stood enlarged on anticipatory bail *vide* order dated 31.08.2021 annexed to the petition as Annexure-P/7. He has also referred to the order granting anticipatory bail passed by the High Court in the case of co-accused in CrI. Misc. No.1400/2023 dated 08.02.2023, annexed to the petition as Annexure-P/12

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 438 of the Code.

We, therefore, allow this appeal, set-aside the order passed by the High Court and make the order dated 28.08.2023 absolute.

We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigating.

The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.
Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
FEBRUARY 23, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10443/2023

(Arising out of impugned final judgment and order dated 20-07-2023 in CRLM No. 8330/2023 passed by the High Court of Judicature at Patna)

DULARE CHOUDHARY

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(IA No. 34826/2024 - APPLICATION FOR PERMISSION
IA No. 34827/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 168335/2023 - EXEMPTION FROM FILING O.T.)

Date : 23-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Raja Choudhary, Adv.
Mr. Rahul Kumar, Adv.
Mr. Mrutunjay Mishra, Adv.
Mr. Vikas Pal, Adv.
Mr. Rajesh Singh Chauhan, AOR

For Respondent(s) Mr. Anshul Narayan, Adv.
Mr. Prem Prakash, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(Signed order is placed on the file)