

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49998 of 2014

Arising Out of PS.Case No. -304 Year- 2014 Thana -TEKARI District- GAYA

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1. Achchutanand Chaudhary son of Late Tapeswar Chaudhary resident of village - Dumarsan, Police Station - Tekari and District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. B.M.P.Sinha (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in Tekari P.S. Case No. 304 of 2014, registered for the offences punishable under Section 272 of the Indian Penal Code and 47(A) of the Excise Act.

Learned counsel for the petitioner submits that the allegations made in the First Information Report is wholly farfetched inasmuch as even the seizure list is a document which does not substantiate the prosecution case in view of the fact that in the said case the date of occurrence and seizure is different as 2.10.2014 and the said case has been sent to the Court only on 8.10.2014, which fact casts a serious cloud on the prosecution story. Learned counsel for the petitioner further submits that whatsoever recovery is alleged to have been made

have not been so done from the conscious possession of this petitioner and for that reason also petitioner cannot be prosecuted in the manner as is sought to be done in the present case.

Considering the aforesaid submissions, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Gaya in connection with Tekari P.S. Case No. 304 of 2014, subject to the conditions as laid down under Section 438(2) of the Indian Penal Code.

(Anjana Mishra, J)

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