

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37948 of 2014

Arising Out of PS.Case No. -283 Year- 2014 Thana -SARAIYA District- MUZAFFARPUR

SHYAM KUMAR CHOUDHARY S/O SHREE KAMLOESHWARI
CHOUDHARY RESIDENT OF VILLAGE- AMBARA TEJ SINGH, P.S-
SARAIYA, DISTRICT- MUZAFFARPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 30-06-2015 Supplementary affidavit has been filed on behalf of petitioner,
taken on record.

Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor.

Petitioner who happens to be informant in Saraiya P.S. Case
No.13 of 2012 which was registered under Sections 341,323,504,307,387
IPC, 25(1-B) A, 27 of the Arms Act against Munna Pandey and Vikash
Kumar ultimately ended till filing of charge sheet by the Investigating Officer
only under Section 341, 323, 504/34 IPC and because of the fact that story of
recovery of firearm from the possession of accused persons were found false
and as the aforesaid firearm was produced by the petitioner before the police,
as such, the Investigating Officer himself transforming as an informant
launched this case. From Annexure-4 of the supplementary affidavit, it is
apparent that learned lower court had taken cognizance for an offence
punishable under section 341,323,504,307,387 IPC, 25(1-B) A, 27 of the
Arms Act. Consequent thereupon, propriety of instant prosecution now
became completely blurred.

As such, petitioner Shyam Kumar Choudhary is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Sub-divisional Judicial Magistrate (West), Muzaffarpur in connection with Saraiya P.S. Case No.283 of 2014 in the event of his arrest / surrender within four weeks in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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