

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14969 of 2016

Arising Out of PS.Case No. -161 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

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Santosh Choudhary, S/o Late Raj Kumar Choudhary, resident of village -
Darhar, P.S. Bahadurpur, District – Darbhanga. Petitioner.

Versus

The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner : Mr. Dharmendra Jha, Adv.

For the Opposite Party : Mr. S.N.Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

03 26-05-2016

The petitioner apprehends his arrest in relation to Laheriasarai P.S. Case No.161 of 2014 instituted for the alleged offences under Section-414 and Sections-25 (1-b) a, 26 & 35 of the Arms Act and Sections-45 and 52 of the Prison Act.

It appears that on 20.04.2014 an inspection was conducted in Ward No.11 of Darbhanga Jail where the petitioner was detained in another case. During course of inspection, two cartridges and old battery of Nokiya were recovered from ventilation above the place where the petitioner used to sleep. There were several other occupants in the said ward as well.

Learned counsel for the petitioner submits that father of the petitioner died on 09.04.2014 and, as per order of the Court, he was released in police custody in the day to perform his last rites and returned on the same day in the evening. He was not present when alleged inspection was conducted. He remained in custody

after the institution of the said case up to 25.02.2015 i.e. almost 10 months and no steps were taken to remand the petitioner in the said case as well, even though he was already in custody. It is now that police is trying to arrest him once he has got released in another case.

Be that as it may, in the event of arrest or surrender within four weeks from today, the petitioner, namely, Santosh Choudhary, shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No.161 of 2014, subject to all conditions as laid down in Section-438(2) of the Criminal Procedure Code.

(Navaniti Prasad Singh, J.)

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