

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17890 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -FATEHPUR District- GAYA

1. Gore Choudhary S/O Rambriksh Choudhary, resident of village- Itwa,
P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Fatehpur P.S.Case No. 52/2016 registered for offences punishable
under Sections 272, 273 of the Indian Penal Code and 47 (A) of
the Excise Act.

The prosecution case as per F.I.R. is that the petitioner
and three other accused persons were caught near the Thathar river
by the police officer upon receiving secret information and 50
litres country mahua wine was recovered from the bicycle of co-
accused Kauleshwar Chaudhary and the other three co-accused
fled leaving behind their bicycles each containing 50 litres
country mahua wine. The said co-accused Kauleshwar Chaudhary
on being apprehended disclosed the name of the petitioner and
other two accused. Accordingly seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent, has been named by apprehended co-accused, one Kauleshwar Choudhary and nothing incriminating has been found from the possession of the petitioner. He further submits that the petitioner is not concerned with the bicycle of Mahua wine and has a clean antecedent and being first offender, he deserves the privilege of anticipatory bail.

However, learned A.P.P. for the State submits that although, the name of the petitioner has surfaced on the confession made by the arrested co-accused, the petitioner does not deserve the privilege of anticipatory bail.

However, since the petitioner has a clean antecedent and it is only on the basis of arrested co-accused that the name of the petitioner surfaced, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Fatehpur P.S.Case No. 52/2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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