

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47359 of 2016

Arising Out of PS.Case No. -130 Year- 2016 Thana -KHAIRA District- SARAN

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Mahavir Choudhary @ Mahabir Choudhary, Son of Late Sheo Nath Choudhary resident of village - Khodaibagh, Police Station Khaira, District - Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate

For the Opposite Party : Mr. Ajay Kumar Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Khaira P.S. Case No. 130 of 2016, registered for the offences punishable under Sections 188, 272, 273/34 of the Indian Penal Code and Section 47 of Excise Act.

Allegedly, acting on a tip off raid was conducted and Suresh Choudhary was caught manufacturing illicit liquor and one person succeeded in fleeing away and Suresh Choudhary stated the name of the petitioner and from there several articles were recovered and further raid was conducted at other places and articles were seized.

Submission is of false implication and that the



petitioner was not caught at the spot, from the seizure list also it does not appear that anything was recovered from the house of the petitioner. At the relevant date and time the petitioner was present in the Court and his statement was recorded under Section 313 Cr.P.C. vide Annexure 2. The petitioner has been made victim of police atrocities and, as such, he deserves sympathetic consideration.

The learned A.P.P. fairly submits that name of the petitioner was taken by co-accused, nothing has been recovered from his conscious possession.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Khaira P.S. Case No. 130 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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