

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.27266 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -JOGAPATTI District-  
WESTCHAMPARAN(BETTIAH)

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Ajay Patel, son of Bhagwat Patel, resident of Pakhanaha Dumariya, P.S.  
Bairiya District-West champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

with

Criminal Miscellaneous No.18613 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -JOGAPATTI District-  
WESTCHAMPARAN(BETTIAH)

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Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari, s/o Vijaymal  
Chaudhary, R/o Khada, Bangala Tola, P.S.- Nautan, District- West  
Champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

(In Cr.Misc. No.27266 of 2016)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar, APP

(In Cr.Misc. No.18613 of 2016)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Meena Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

5      06-09-2016      Heard learned counsels for the petitioners and the  
  
State.



The petitioner Ajay Patel (in Criminal Miscellaneous No.27266/2016) is languishing in custody since 30.08.2015 whereas the petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Criminal Miscellaneous No.18613/2016) is languishing in custody since 05.12.2015 in a case registered for the offences punishable under sections 399, 402 of the Indian Penal Code, 25(1-B)a, 26, 35 of the Arms Act and 20/22 of The Narcotic Drugs and Psychotropic Substances Act, 1985.

On confidential information that the notorious criminal Rajan Tiwari @ Tiwari along with his associates are moving on two motorcycles with narcotics, the police reached at Harpurwa Chowk when six persons were seen coming on two motorcycles from whom two escaped from the scene with one motorcycle, who were subsequently identified as Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (petitioner in Criminal Miscellaneous No.18613/2016) and Sunil Chaudhary, but one person who could not escape was apprehended and disclosed his name as Rajan Chaudhary whereas from the other motorcycle three persons were apprehended namely Ajay Patel (petitioner in Criminal Miscellaneous No.27266/2016), Rabindra Chaudhary and Anurudh Sah. From the possession of the petitioner Ajay

Patel one country made gun and one cartridge were recovered. From the motorcycle, on which the petitioner Ajay Patel and two others were travelling, half kilogram of "Charas" was recovered. Since the petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Criminal Miscellaneous No.18613/2016) escaped from the scene nothing was recovered from his possession.

It is submitted by learned counsel for the petitioner Ajay Patel (in Criminal Miscellaneous No.27266/2016) that the recovery of 'Charas' cannot be treated from the possession of petitioner Ajay Patel as it was recovered from the motorcycle on which three persons were travelling and the motorcycle was not registered in the name of the petitioner Ajay Patel. A statement has been made in paragraph 3 of Criminal Miscellaneous No.27266/2016 that the petitioner Ajay Patel is accused in one other case in which he is on bail and the investigation has already concluded.

It is submitted by learned counsel for the petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Criminal Miscellaneous No.18613/2016) that there is no recovery from the possession of the petitioner, though he is accused in six other cases apart from the present one, but he is on bail in all the other cases. A statement to that effect has been made in paragraph

no.2 of the supplementary affidavit, which reads as under :-

*"(i) Nautan P.S. Case No.7/14 U/S 395 I.P.C.*

*(ii) Nautan P.S. Case No.15/10 U/S 341, 323, 379, 447, 504/34 I.P.C.*

*(iii) Nautan P.S. Case No.146/15 U/S 427, 307 etc. of I.P.C.*

*(iv) Nawalpur P.S. Case No.289/14 U/S 392 I.P.C.*

*(v) Yogapatti P.S. Case No.275/15 U/S 394,395, 397/412 I.P.C. and*

*(vi) Shikarpur P.S. Case No.459/15 U/S 392 I.P.C."*

Considering the recovery of 'Charas' between the small and commercial quantity from the motorcycle on which three persons were travelling along with one country made gun with one cartridge and the petitioner Ajay Patel (in Criminal Miscellaneous No.27266/2016) has completed one year in custody, let him be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No.279/2015.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

So far as the petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Criminal Miscellaneous No.18613/2016) is concerned, since he is accused in six other cases apart from the present one, though, there is no recovery from him, this Court is not inclined to grant him privilege of bail at present. Accordingly, the prayer for bail on behalf of petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari in connection with Tr. No.7/2016 (Arising out of Yogapatti P.S. Case No.279/2015), pending before the learned Additional District and Sessions Judge-II, Bettiah, West Champaran, is rejected for the present.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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