

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34954 of 2016

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

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1. Sunil Chaudhary son of Chandardeo Chaudhary, resident of Village-
Bagahi Lamuiya Tola, Police Station- Bairiya, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-10-2016

The petitioner is languishing in custody since
05.04.2016 in a case registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code, Sections
25(1-B) a, 26, 35 of the Arms Act and Sections 20, 22 of the
Narcotic Drugs & Psychotropic Substances Act.

The prosecution case is that on confidential
information that notorious criminal Rajan Chaudhary @ Tiwari
along with his associates is moving on two motorcycles the
police reached on the spot, when six persons were seen coming
on two motorcycles. One of the persons was caught hold from
the back by the police when he fell down but other two persons
retaining their balance escaped from the scene on one
motorcycle while three persons on the other motorcycle were
apprehended. The person who fell down from the motorcycle



disclosed his name as Rajan Chaudhary @ Tiwari. From the possession of Rajan Chaudhary @ Tiwari one country made pistol and one cartridge from the motorcycle on which co-accused Anirudh Sah, Ajay Patel and Ravindra Chaudhary were travelling 500 grams of charas were recovered. The apprehended four accused persons disclosed the name of two persons who escaped from the other motorcycle as Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari and petitioner Sunil Chaudhary.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner except the confession of the co-accused. It is further submitted that though the petitioner is accused in (i) Bairiya P.S. Case No. 32 of 2015 registered under Section 392 of the Indian Penal Code (ii) Ramnagar P.S. Case No. 107 of 2016 registered under Section 364A of the Indian Penal Code (iii) Ramnagar P.S. Case No. 140 of 2006 registered under Sections 364/34 of the Indian Penal Code (iv) Bhairoganj P.S. Case No. 38 of 2015 registered under Sections 395 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 of the Arms Act (v) Nawalpur P.S. Case No. 6 of 2015 registered under Sections 392 of the Indian Penal Code (vi) Jogapatti P.S. Case No. 275 of 2015 registered under Section 394 of the Indian Penal Code, but he is on bail in all those cases.

However, it is very fairly submitted by learned

counsel for the petitioner that prayer for bail of similarly situated co-accused Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari has been rejected by this Court vide Cr. Misc. No. 18613 of 2016 with observation ‘for the present’ who is also alleged to have escaped along with the petitioner from the place of seizure and is accused in six other cases.

Keeping in view of the above facts, the prayer for bail of the petitioner is rejected for the present in connection with Trial No. 19 of 2016, arising out of Jogapatti P.S. Case No. 279 of 2015, pending in the Court of learned District & Sessions Judge, Bettiah, West Champaran.

(Dinesh Kumar Singh, J)

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