

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1296 of 2017

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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With

Criminal Miscellaneous No.10005 of 2017

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

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Sunil Chaudhary Son of Chandradeo Chaudhary, Resident of Village- Bagahi Lamuiya Tola, Police Station- Bairiya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.14964 of 2017

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

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Anurudh Sah @ Anrudh Sah Son of Tulsi Sah Resident of Village: Khadda Bangla tola, Ward No. 2, 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.1296 of 2017)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Matloob Rab

(In Cr.Misc. No.10005 of 2017)

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

(In Cr.Misc. No.14964 of 2017)



For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09.08.2017

Heard learned counsels for the petitioners

and Mr. J.N. Thakur, learned counsel for the State.

The petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Cr. Misc. No. 1296 of 2017) is languishing in custody since 05.12.2015, petitioner Sunil Chaudhary (in Cr. Misc. No. 10005 of 2017) is languishing in custody since 05.04.2016 and petitioner Anurudh Sah @ Anrudh Sah (in Cr. Misc. No.14964 of 2017) is languishing in custody since 30.08.2015. They all have renewed the prayer for bail 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 NDPS Act.

The prosecution case is that on secret information being received by S.H.O. of Yogapatti P.S. (Subhash Kumar) that notorious criminal Rajan Chaudhary @ 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, two persons on one motorcycle managed to escape from the scene but one person fell down and



was apprehended, who disclosed his name as Rajan Chaudhary. The person who escaped from the scene, are the petitioner Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhari (in Cr. Misc. No. 1296 of 2017), petitioner Sunil Chaudhary (in Cr. Misc. No. 10005 of 2017), whereas from the other motorcycle three persons were apprehended namely, petitioner Anurudh Sah @ Anrudh Sah (in Cr. Misc. No. 14964 of 2017) and co-accused Ajay Patel and Rabindra Chaudhary. From all the apprehended accused persons country made gun and cartridges were recovered and from the motorcycle on which petitioner Anurudh Sah @ Anrudh Sah (in Cr. Misc. No. 14964 of 2017) was travelling, half kilogram of 'Charas' was recovered.

Cr. Misc. No. 1296 of 2017

(Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhary)

It is submitted by learned counsel for the petitioner, Chekhuri @ Chekhuri Chaudhary @ Amresh Chaudhary that the petitioner was not apprehended from the spot and there is no recovery from the petitioner, though, the petitioner is accused in six other cases apart from the present one, i.e., (i) Nautan P.S. Case No. 7/14 U/S 395 IPC, (ii) Nautan P.S. Case No. 15/10 U/S 341, 323, 379, 447, 504/34 IPC, (iii) Nautan P.S. Case No. 146/15 U/S 427, 307 etc. of IPC (iv) Nawalpur P.S. Case No.



289/14 U/S 392 IPC (v) Yogapatti P.S. Case No. 275/15 U/S 394, 395, 397/412 IPC and (vi) Shikarpur P.S. Case No. 459/15 U/S 392 IPC, but he is on bail in all the other cases. Earlier prayer for bail of the petitioner was rejected vide order dated 06.09.2016 passed in Cr. Misc. No. 18613 of 2016 with observation 'for the present' while the other co-accused had been granted bail.

Cr. Misc. No. 10005 of 2017
(Sunil Chaudhary)

It is submitted by learned counsel for the petitioner Sunil Chaudhary that the petitioner was not apprehended from the spot, hence, no recovery was made, though he is accused in six other cases, i.e., (i) Bairiya P.S. Case No. 32 of 2015 under Section 392 IPC (ii) Ramnagar P.S. Case No. 107 of 2016 under Section 364A IPC (iii) Ramnagar P.S. Case No. 140 of 2006 under Section 364A/34 IPC (iv) Bhairoganj P.S. Case No. 38 of 2015 under Sections 395/397 IPC and 25(1-B)a, 26, 27 of the Arms Act (v) Nawalpur P.S. Case No. 6 of 2015 under Section 392 IPC and (vi) Jogapatti P.S. Case No. 275 of 2015 under Section 394 IPC. Out of six cases he is on bail in five cases. Earlier the prayer for bail of the petitioner was rejected vide order dated 28.10.2016 passed in Cr. Misc. No. 34954 of 2016 with observation 'for the present'.



Cr. Misc. No. 14964 of 2017

(Anurudh Sah @ Anrudh Sah)

It is submitted by learned counsel for the petitioner, Anurudh Sah @ Anrudh Sah that, though, he was travelling on the motorcycle with three other persons, from which half kilogram 'Charas' was recovered, the other co-accused Ajay Patel has been granted bail. Earlier the prayer for bail of the petitioner was rejected vide order dated 23.02.2016 passed in Cr. Misc. No. 5071 of 2016 with liberty to renew the prayer for bail after remaining in custody for one year and the petitioner is in custody since 30.08.2015. Moreover, the petitioner is accused in two other cases, i.e., Motihari P.S. Case No. 227 of 2013 under Section 387 IPC and Yogapatti P.S. Case No. 275 of 2015 under Section 394 IPC, but he is on bail in both the cases.

It is further submitted by learned counsel for the petitioners that the recovery is in between small and commercial quantity.

Learned APP submits that the recovery is of narcotics between small and commercial quantity.

Considering the fact that bail applications of the petitioners were rejected earlier, since they were having criminal antecedent, with an observation either for the present or



liberty was given to renew the prayer for bail after remaining in custody for one year, also considering the recovery between small and commercial quantity and the period in custody, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IInd, West Champaran at Bettiah in connection with Trial No. 07 of 2016 arising out of Yogapatti P.S. Case No. 279 of 2015.

The learned trial court will be at liberty to cancel the bail bonds of the petitioners in two eventualities i.e. if they default for two consecutive occasions or substantially get involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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