

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21332 of 2017**

Arising Out of PS.Case No. -76 Year- 2016 Thana -BAGENGOLA District- BUXAR

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1. Harendra Choudhary Son of Late Banshi Choudhary resident of Village -  
Baruha, P.S. - Bagengola, District - Buxar. .... Petitioner/s

Versus

1. The State of Bihar. .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

3      17-05-2017                      Heard both sides.

The petitioner seeks bail in Bagengola P.S. case No.  
76 of 2016 under Section 25 (1-b) a, 26, 35 of the Arms Act.

The informant, S.H.O. of Bagengola P.S., alleged  
that he got information that Harendra Choudhary, absconding  
accused of Koransarai P.S. case No. 29 of 2016, registered under  
Section 302/34 of the IPC and under Section 27 of the Arms Act,  
had come along with his associate Father Choudhary in village  
Baruha. On such, a raid was conducted. From the possession of  
the petitioner one mini rifle with live cartridges were recovered.  
From the house of petitioner also mini rifle with live cartridges  
were recovered.

The learned counsel for the petitioner submits that  
Father Choudhary from whose possession arms were recovered  
has already been enlarged on bail vide order passed in Cr. Misc.



No. 9065 of 2017 by a coordinate Bench of this court on 18.04.2017. Father Choudhary has also got criminal antecedent and he is accused in many cases out of which five cases are registered under Section 302 of the IPC and under Section 27 of the Arms Act. The petitioner has also got criminal antecedent.

Of course, Father Choudhary has been granted bail but he too has got criminal antecedent. The petitioner has got criminal antecedent and he is accused in as many as eight criminal cases. The petitioner was absconding in Koransarai P.S. case No. 29 of 2016 registered under Section 302 of the IPC and under Section 27 of the Arms Act in which petitioner has not yet been enlarged on bail.

Considering the facts that besides the recovery of arms from the possession and house of the petitioner, the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail after four months, if the trial is not concluded.

**(Prabhat Kumar Jha, J)**

BKS/-

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