

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19622 of 2017

Arising Out of PS.Case No. -53 Year- 2012 Thana -MANSURCHAK District- BEGUSARAI

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Sandip Chaudhary Son of Basuki Choudhary, Resident of Village- Phateha,
Police Station-Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 04-07-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Mansoorchak P.S. Case No. 53 of 2012 for the offences punishable under sections 147, 148, 149, 341, 323, 307, 332, 353, 427, 379 and 337 of the I.P.C and section 27 of the Arms Act.

For the same occurrence two FIRs have been lodged bearing Mansoorchak P.S. Case 53 of 2012 and Mansoorchak P.S. Case No. 54 of 2012. In Mansoorchak P.S. Case No. 53 of 2012 the petitioner is not named, whereas, in Mansoorchak P.S. Case No. 54 of 2012 the petitioner is named. Later on by the order of this Court Mansoorchak P.S. Case No. 54 of 2012 has been



amalgamated with Mansoorchak P.S. Case No. 53 of 2012. In Mansoorchak P.S. Case No. 54 of 2012 prayer of pre-arrest bail of the petitioner was rejected on the ground that the petitioner and others are named in the FIR with specific allegation.

Submission is of false implication and that in this case on the similar allegation co-accused Ramod Kunwar and Hareram Choudhary @ Hareram Kunwar @ Gujra have been allowed pre-arrest bail vide Cr. Misc. No. 44081 of 2016 by order dated 24.01.2017 (Annexure-6), during trial the driver Raj Kumar Sharma and Prem Kumar Choudhary, the informant of Mansoorchak P.S. Case No. 54 of 2012 have been examined and Raj Kumar Sharma has categorically stated that the petitioner is known to him from earlier and he was not involved in committing the crime and further Prem Kumar Choudhary has also stated that he gave his First Information Report on the basis of the statement of some of the local persons and he is not an eye witness and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. is not in a position to distinguish the case of the petitioner from those co-accused, namely, Ramod Kunwar and Hareram Choudhary who have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the



petitioner, in case 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. A.C.J.M-1st, Begusarai in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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