

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38512 of 2017

Arising Out of PS.Case No. -295 Year- 2017 Thana -SAHARSA District- SAHARSA

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Mangal Choudhary Son of Late Shiv Choudhary, Resident of Village-
Rukminian, Ward No. 4, P.S. Beldour, District-Khagaria,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
03.04.2017 in connection with Saharsa Sadar P.S. Case No. 295 of
2017 registered for the offence punishable under Section 414 of
the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the
Arms Act.

The prosecution case is, as lodged by the police party,
is that during patrolling a white colour Bolero vehicle was
intercepted from which the passengers tried to flee away, but they
were apprehended and from their possession, country made pistols
and live cartridges were recovered. From the petitioner, who was



the driver of the said vehicle, only mobile phone was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, is the driver of the said vehicle and nothing has been recovered from his conscious possession, as such, the provisions of the Arms Act will not be applicable. He further submits that he has no criminal antecedent and he did not know that passengers were having arms with them and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri S.K. Modi, learned Chief Judicial Magistrate, Saharsa in connection Saharsa Sadar P.S. Case No. 295 of 2017.

(Nilu Agrawal, J.)

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