

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25910 of 2018

Arising Out of PS.Case No. -305 Year- 2017 Thana -ATRI District-GAYA

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Upendra Chaudhary @ Upa Chaudhary, son of Suresh Chaudhary, resident
of Village Chakra, PS Atri, District Gaya..... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 27-04-2018 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

Petitioner, already in custody since 9.12.2017, seeks bail
in Atari PS Case No. 305 of 2017, registered under Sections 399,
402, 414 of the IPC and Sections 25(1-b), 26, 35 of the Arms Act.

The allegation in brief is that the police raided a place in
the midnight on receiving information regarding assembly of
criminals and apprehended a few but others escaped away, arms were
recovered from the apprehended accused persons, disclosure of name
of the petitioner was also made where after his house was raided and
one country made rifle, two country made pistols and cartridges were
recovered from his house.

Submission is that it is a joint house and the recovery is not
from the conscious possession of the petitioner and the petitioner has
no criminal antecedent.

Having considered recovery of number of fire arms from
the house of the petitioner presently the prayer for bail of the
petitioner is rejected.

However the trial court is directed to expedite the trial and
preferably conclude the same within a period of nine months and if
the trial does not conclude the petitioner may renew his prayer for
bail.

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(Arun Kumar, J)

