

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70045 of 2018

Arising Out of PS. Case No.-311 Year-2018 Thana- KARAHGAR District- Rohtas

Vinod Choudhary, Son of Dwarika Choudhary, Resident of Village-
Bhadsada, P.S.- Badahari (O.P.), District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as per the self statement of Shashi Bhushan Prasad, being the S.I.-cum-S.H.O., Kargahar (Badahari O.P.) Police Station, is to the effect that on 10.08.2018 at about 1 PM, the informant while conducting raid, reached near the house of Ramesh Paswan, when 4-5 persons started fleeing away, but two of them were apprehended and from each of them, one country made pistol was recovered. The apprehended accused disclosed their names as Ramesh Paswan and Kamlesh Paswan and also named three other persons, including the petitioner, who flee away from the scene.



It is submitted by learned counsel for the petitioner that neither the petitioner has been apprehended nor any recovery of any arms has been made from him. The name of the petitioner sprang up on the confession of apprehended co-accused. It is further submitted that the informant admits that from the registration document available in the vehicle, it was found to be registered in the name of one Pakesh Kumar. The petitioner was under medical treatment at the relevant point of time. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that no recovery has been made from the petitioner and name of the petitioner sprang up on the confession of apprehended co-accused, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned I/C ACJM, Sasaram, Rohtas in connection with Kargahar (Badahari O.P.) P.S. Case No. 311 of 2018, subject to the condition as laid down under Section 438(2)



of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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