

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26838 of 2018

Arising Out of PS. Case No.-136 Year-2017 Thana- Mirganj District- Gopalganj

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Kranti Chaudhary, Son of Late Nema Chaudhary, Resident of Village –
Khairtiya, P.s. - Mirganj, District – Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
Mr. Dhramveer
For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 16-05-2018 Heard Sri Ashok Kumar Jha, learned counsel assisted
by Sri Dhramveer, learned counsel for the petitioner and Sri
Madan Kumar, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody in Mirganj P.S.
Case No. 136 of 2017 registered for offence under Section 414
of the Indian Penal Code and Sections 25(1-B)a/26/35 of the
Arms Act, 1959, has prayed for grant of bail.

Learned counsel for the petitioner submits that on
false accusation, as if, the premises was in joint possession of
petitioner and one Byash Chaudhary, recovery of one country-
made rifle and 23 live cartridges were shown and petitioner has
been made accused. He further submits that in similar
circumstance, the prayer for bail of co-accused Byash



Chaudhary has already been allowed. Accordingly, on the ground of parity, a prayer has been made for enlarging the petitioner on bail. Sri Jha, learned counsel for the petitioner has also argued that virtually, the premises was not in title or possession of the petitioner and petitioner has falsely been implicated.

Fact remains that from the premises, which was shown to be in joint possession of petitioner and one of the co-accused Byash Chaudhary, country-made rifle and huge quantity of live cartridges were shown to be recovered. So far as prayer for bail to co-accused Byash Chaudhary is concerned, this fact has not been disputed by learned Addl. Public Prosecutor. Even then, fact remains that the petitioner appears to be a habitual offender and fact stated in paragraph – 3 of the petition shows that he is accused in about six cases.

Considering the antecedent of the petitioner, I am not inclined to grant bail.

The prayer for bail stands dismissed.

(Rakesh Kumar, J.)

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