

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45269 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -SONNAGAR RAIL P.S. District- GAYA

=====

Dudheshwar Choudhary @ Udheshwar Choudhary Son of late Sagar
Choudhary Resident of Village- Lembua, P.S. Amas, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 4(kh)/5 of the Explosive
Substance Act and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Upendra Chaudhary was apprehended with three
live bombs and one bottle of liquor containing 750 ml. He
disclosed the name of the petitioner as his accomplice in the
occurrence who managed to escape with three live bombs seeing
the police party.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern with the seized article. He has been falsely implicated in the case by the apprehended accused Upendra Chaudhary due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. Though seven more cases are pending against the petitioner, but he is on bail in the five of the aforesaid cases while he has been acquitted in one of the aforesaid cases. He has been languishing in custody since 14.06.2018. Said Upendra Chaudhary has been enlarged on bail by a co-ordinate bench of this court vide order dated 21.02.2018 passed in Cr. Misc. No. 6677 of 2018.

Learned APP opposing the bail petition submitted that the petitioner is having criminal antecedent and he does not deserve bail

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Sonnagar Rail P.S. Case No. 37 of 2017, S.Tr. No. 47/2018 with condition that one of the bailors must be family member of the petitioner and if the



petitioner is found involved in any criminal activity in future,
prosecution shall be at liberty to move before the learned lower
court for cancellation of the bail bond of the petitioner.

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

