

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49206 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- CHARIABARIYARPUR District-
Begusarai

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Rajeev Kumar Choudhary @ Dimpal Choudhary @ Rajeev Choudhary S/o
Late Jai Prakash Choudhary, R/o Vill.- Cheria Bariyarpur, Ward no. 13,
Sripur, P.S.- Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Cheria Bariyarpur P.S.
case no. 73 of 2018 instituted for the offence under Section(s)
414/34 of the Indian Penal Code and Section 25(1-b) of Arms
Act.

Learned counsel for the petitioner has submitted that there
is no recovery from possession of petitioner. He is not
apprehended on the spot. He has been named only on suspicion.

In the written report, it is alleged that one unknown
person was apprehended by the police near Thakurbari and one
pistol was recovered from his possession. That apprehended
person managed to run away from the clutch of the police and in



course of running away magazine of his pistol fell down. The production cum seizure list which is part of the FIR shows that pistol with some magazine has been recovered near Thakurbai. The name of this petitioner has come with allegation that person who managed to run away from the clutch of the police used to sit with this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Cheria Bariyarpur P.S. case no. 73 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Begusarai, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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