

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14408 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- KATORIYA District- Banka *

Nav Ratan Choudhary, Son of Anurudh Choudhary @ Anrudh Choudhary,
Resident of Village- Patwara, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-03-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Katoria Police Station Case No. 164 of 2018, disclosing offences under Sections 25(1-b)a, 26/35 of the Arms Act.

It is the case of the prosecution that on the basis of secret information, they had reached a particular place and on seeing the police, two persons started fleeing away, one of whom was apprehended from whose possession, a country made fire-arm was recovered. The person arrested is said to have disclosed the petitioner's name as the one who had managed to flee away.

Learned Counsel appearing on behalf of the petitioner appears to be *prima facie* correct in his submission that no



offences under Sections 25 (1-b)a, 26/35 of the Arms Act is made out against this petitioner, even if, what is alleged in the First Information Report is taken to be true as there is no material in the First Information Report to suggest that the petitioner was also possessing any fire arm.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Roshan Kumar, Judicial Magistrate, 1st Class, Banka, in connection with Katoria Police Station Case No. 164 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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