

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17667 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- PARAIYA District- Gaya

Deo Kumar Chaudhary, Son of Mahendra Chaudhary @ Karu Chaudhary
Resident of Village - Sonbarsa, P.S.- Paraiya, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Paraiya Police Station Case No. 34 of 2018, disclosing offences punishable under Sections 25(1-B)A, 26 and 35 of the Arms Act.

In course of a raid conducted by the police, two country made pistol and one live cartridge were recovered. The place of recovery has been described as a place adjacent to a poultry farm belonging to the petitioner and others.

Learned counsel, appearing on behalf of the petitioner, submits that even if the allegation made in the First Information Report is treated to be correct, it cannot be said that



the recovery has been made from the conscious possession of the petitioner in the absence of allegation that the place of recovery was never in possession of the petitioner.

Considering the facts and circumstances, as noted above, this application is 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 the learned Chief Judicial Magistrate, Gaya, District-Gaya in connection with Paraiya P.S. Case No. 34 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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