

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78712 of 2019

Arising Out of PS. Case No.-556 Year-2019 Thana- DEHRI TOWN District- Rohtas

CHITRANJAN CHOUDHARY Son of Sri Prem Choudhary, Resident of
Village- New Gangauli, Police Station- Dalmia Nagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Asha Devi

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking bail in connection with Dehri (Dalmia Nagar) P.S. Case No.556 of 2019 registered for offence punishable under sections 37(b) (c) of the Bihar Prohibition and Excise Amendment Act and section 25(1-b), a, 26, 27 of the Arms Act.

Allegation has been made that the informant heard gun shot firing. The informant went there and found that the petitioner was on a Hiro Honda Splender motor cycle bearing Registration No. BR-24E-2618 and he was completely in intoxication condition resorted firing, whereafter, the villagers caught hold the petitioner and handed over to the Police.

The learned counsel for the petitioner submits that



the police has wrongly applied the provision of section 25(1-b),a, 26, 27 of the Arms Act, as in the present case the proper section would be section 37 of the Arms Act in which the power has been given to the police either release that person on his executing a bond with or without securities to appear before the magistrate and keep the things seized in his custody till the appearance of that person before the magistrate.

In such view of the matter, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Dehri-On-Sone, Rohtas in connection with Dehri (Dalmia Nagar) P.S. Case No.556 of 2019, subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Shivaji Pandey, J)

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