

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79586 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- CHOUTARWA District- West
Champaran

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GANESH CHOUDHARY Son of Sukdev Choudhary Resident of Village -
Bahuarawa, Police Station - Choutarawa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra
For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Chowtarwa P.S. Case No. 234 of 2019 registered for the offence
punishable under sections 399 and 402 of the Indian Penal Code
and section 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation in the FIR, on receiving secret
information, a raid was conducted wherein three accused
persons were caught while petitioner managed to escape. It is
further stated that from the arrested accused persons, knife, one
loaded country made pistol etc. were recovered and it appeared
that they were making a plan to commit dacoity.

It is submitted by learned counsel for the petitioner
that allegations as levelled against the petitioner is false and
concocted and he was not caught at the place of occurrence. It is



further stated that not having been caught at the place of occurrence, there is no question of any recovery of any incriminating article nor any incriminating article has been recovered. It is further stated that from reading of the FIR together with the order of the learned court below it would be evident that learned 1st Additional Sessions Judge has committed an error of record in his order that recovery has taken place from possession of the petitioner, although no recovery has been made from his possession even subsequently. Petitioner is in custody since 06.09.2019.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Choutarwa P.S. Case No. 234 of 2019.

(Partha Sarthy, J)

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