

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4609 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- NAUTAN District- West Champaran

BHUSAN CHAUDHARY SON OF SARAL SAHANI R/O BAIKUNTHWA,
P.S.- NUTAN, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nautan P.S. Case No. 108 of 2020 registered for the offence punishable under Sections 25 [1-b]a, 26, 35 of the Arms Act.

As per the prosecution case, on 08.04.2020, informant got secret information and on that basis informant alongwith other superior police personnel reached Baikunthwa chauk. Seeing the police party two persons started fleeing by motorcycle, both of



them were apprehended after chase, apprehended persons disclosed their names and identity as petitioners, thereafter, on search arms and ammunition were recovered from their possession in presence of two independent witnesses and seizure list was prepared.

Allegation against the petitioner is that one country made pistol was recovered from the conscious possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has no concern with the allegation of the informant. No incriminating article has been recovered from his conscious physical possession.

Learned counsel for the petitioner further submits that the petitioner has implicated in this case due to mishandling of police power. The informant was in collusion with enemy of the petitioner and made a case which has not occurred. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 09.04.2019. He submits that the similar situated co-accused person has been granted bail *vide* order dated 09.04.2020 in Cr. Misc. No. 33238 of 2020.



Learned APP for the State opposed the bail petition.

Considering the fact that the petitioner is in jail for more than one year and the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bettiah, West Champaran in connection with Nautan P.S. Case No. 108 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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