

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8065 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- NADI P.S. District- Patna

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Ankit Kumar Chaudhary @ Charan Chaudhary S/o Sri Ajay Chaudhary R/o
village- Suturkhana, P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner seeks bail in connection with Nadi
Thana P.S. Case No. 177 of 2021 lodged under Sections 120(B)
and 34 of the Indian Penal Code read with Sections 25(1-AA),
26(I)(II), 35 of the Arms Act.

As per the allegations made in the F.I.R, there is no
recovery of arms from the possession of the petitioner rather it
is from the possession of other, only a mobile has been
recovered from his possession.



Learned counsel for the petitioner submits that the F.I.R. has been lodged under Sections 120(B) and 34 of the Indian Penal Code and these two sections cannot do anything without addition to other sections. He further submits that different sections under Arms Act also not applicable in the present case because only mobile has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 01.07.2021 and charge-sheet has already been filed. He further submits that petitioner has got no criminal antecedent as well as the Coordinate Bench of this Court has granted bail to other co-accused persons vide order dated 13.05.2022 in Criminal Misc. No. 66830 of 2021.

Learned A.P.P. has opposed the prayer for bail of the petitioner but he also agrees that Sections 120(B)/34 of the Indian Penal Code alone cannot make any offence.

Considering the present facts and circumstance that the charge-sheet has been filed, petitioner is in custody since 01.07.2021 having no criminal antecedent and other co-accused persons has been granted bail by this Court, let the petitioner, above named, be granted bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna City,



Patna in connection with Nadi Thana P.S. Case No. 177 of 2021.

(Dr. Anshuman, J)

ved/-

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