

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20300 of 2023**

Arising Out of PS. Case No.-109 Year-2022 Thana- ROSHANGANJ District- Gaya

Chotu Choudhary @ Dhananjay Choudhary Son of Balendra Chaudhary R/o
Village - Lemboia, P.S.- Roshanganj, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.05.2022 in connection with Roshanganj (Banka Bazar) P.S.
Case No. 109 of 2022, F.I.R. dated 22.05.2022 for the offences
punishable under Sections 25(1-b)A, 26, 35 of the Arms Act.

Recovery is of two country made loaded pistol, 10 live
cartridges from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of suspicion of the confessional
statement of the petitioner. He further submits it appears from
the F.I.R. that two country made loaded pistol, 10 live
cartridges have been recovered from the possession of the



petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and due to previous antecedents the petitioner has falsely been implicated in this case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eleven criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Judicial Magistrate-1st, Sherghati in connection with Roshanganj (Banka Bazar) P.S. Case No. 109 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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