

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65606 of 2023

Arising Out of PS. Case No.-470 Year-2021 Thana- GAYA MUFASIL District- Gaya

RAJESH KUMAR @ BHOLA CHOUDHARY SON OF LATE LAL
CHOUDHARY @ NANDLAL CHOUDHARY RESIDENT OF VILLAGE -
BAHORA BIGAHA, P.S. - MUFFASIL, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 470 of 2021 registered on 12.9.2021, for the alleged offence under Sections 25(1-b) a, 26(II), 27 and 35 of the Arms Act.

3. As per prosecution case, Police received information about firing taking place between two group of persons. When the Police reached the spot, all the miscreants fled away and from the spot, recovery of four empty cartridges and a pellet apart from one country made



Katta, air gun and Scooty were made. The name of petitioner transpired during investigation as one of the accused persons involved in the said occurrence in the background of some land dispute.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. For the same occurrence, another First Information Report bearing Gaya Muffasil P.S. Case No. 471 of 2021 under Section 307 and other allied Sections of the Indian Penal Code has been registered in which the petitioner has been named as accused and on the basis of the said First Information Report, the petitioner has been named in this case as well. The local Police is in connivance with the informant side who are accused in a case lodged by mother of the petitioner, vide Gaya Muffasil P.S. Case No. 472 of 2021 registered under Sections 448, 354, 323, 504, 379/34 of the Indian Penal Code and Sections 3(i) (r) (s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is not the owner of the Scooty seized from the



spot and the same belongs to co-accused Ravi Yadav @ Ravi Kumar who has been granted anticipatory bail by a co-ordinate Bench of this Court vide its order dated 13.12.2023 passed in Cr. Misc. 75647 of 2023. Learned counsel further submits that the petitioner has no criminal antecedent prior to registration of this case but after lodging of the present case he has been made accused in three more cases and in one of such case, he has been granted anticipatory bail by the learned court below.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery of any incriminating article has been shown from the petitioner and further considering remoteness of allegation with possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Gaya/concerned court in connection with Muffasil P.S. Case
No. 470 of 2021, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:-

*(i) One of the bailors will be a
close relative of the petitioner.*

*(ii) The petitioner will remain
present on each and every date fixed by
the court below, if so required by the
learned trial court.*

(Arun Kumar Jha, J)

S.Ali/-

U			
---	--	--	--

