

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66195 of 2022**

Arising Out of PS. Case No.-222 Year-2022 Thana- PATNA CITY CHOWK District- Patna

GOLU CHOUDHARY Son of Lallu Choudhary @ Surendra Choudhary  
Resident of Fairad Ki Maidan, Harnaha Tola (Patna City), P.S.- Chowk,  
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Rajeev, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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

3      28-04-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chowk P.S.  
Case No. 222 of 2022 dated 26.05.2022 registered for the offence  
under Sections 25(1-b)a and 26 of the Arms Act.

The petitioner is apprehended having unlawful  
possession of one automatic country made pistol along with five  
cartridges according to the F.I.R.

Learned counsel appearing for the petitioner submits  
that the petitioner is innocent and has falsely been implicated in  
this case. He further submits that from bare perusal of the F.I.R., it  
appears that the informant went to arrest the absconder accused  
in connection with Chowk P.S. Case No. 36 of 2017 in the house of  
the petitioner whereas the petitioner was granted bail in the



aforesaid case in the year 2017 itself. He further submits that it appears from the F.I.R. and the seizure list that one automatic country made pistol along with five cartridges have been recovered from the conscious possession of the petitioner. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted for the reason that the petitioner is having criminal antecedents. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries thirteen more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Patna City, Patna in connection with Chowk P.S. Case No. 222 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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