

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4266 of 2023**

Arising Out of PS. Case No.-107 Year-2020 Thana- DAWATH District- Rohtas

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ABHAY CHOUDHARY @ ABHA CHOUDHARY SON OF CHHOTELAL
CHOUDHARY R/O VILLAGE- GIDHA, P.S.- DAWATH, DISTRICT-
ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned APP for the State has filed a counter-affidavit in
the Court. The same is kept on record.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 25(1-b)a, 26, 35 of Arms Act.

Allegedly, on the order of one Sonu Choudhary, the
petitioner is said to have fired on the stomach of son of the
informant, as a result of which, he died.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.



No such occurrence, in the manner as alleged, has ever taken place. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that the police has lodged two F.I.R. against the petitioner for same occurrence. The petitioner was remanded in Dawath P.S. Case No.106/2020 on 10.07.2020 and the police has not explained the delay remand of the petitioner and has not remanded the petitioner in this case i.e. Dawath P.S. Case No.107/2020 and petitioner was granted regular bail in Dawath P.S. Case No.106/2020 on 12.07.2021. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the petitioner is also involved in the present case.

Having regard to the facts and circumstances of the case, since petitioner was not remanded in the present case and no arms has been recovered from his conscious physical possession or his house, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 court below where the case is pending/Successor Court in connection with Dawath P.S. Case No.107/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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