

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80048 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- CHIRAIYA District- East Champaran

Chhotelal @ Chhotelal Kumar Son Of Vishwanath Rai Resident Of Village -
Godhiya Tola, P.S. - Lakhaura, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Chiraiya P.S. Case No. 228 of 2023 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and 25(1-b)a, 26, 35 of the Arms Act and Section 8/20(b)(II) (C) of the N.D.P.S. Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to involve in preparation of dacoity alongwith other co-accused persons where fire-arm alongwith narcotic substance were recovered from apprehended co-accused persons.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated out of local dispute and differences. It is submitted that name of petitioner surfaced only out of confessional statement as made by apprehended co-accused person namely, Vishal Tiwary, from whom narcotic drugs and fire-arm were recovered. It is further submitted that the recovered contraband is 'Charas' which is 1010 gram, just shown 10 gram extra above the commercial quantity for making the case more serious. It is submitted that petitioner is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions as save and except mere name of this petitioner appears only out of confessional statement of apprehended co-accused Vishal Tiwary, where no incriminating materials has been recovered from conscious physical possession of this petitioner as to connect him *prima-facie* with the present case accordingly, above-named petitioner, in the event of his



arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 228 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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