

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83537 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- THARTHARI District- Nalanda

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Hari Kishun Chouhan S/O Late Ganga Bishun Chouhan @ Ganga Vishun
Jamadar Resident of Village- Taraper, P.S- Kalyan Bigha, Dist- Nalanda .
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Tharthari P.S. Case No. 20 of 2024 dated 25.02.2024 instituted
for the offence punishable under Sections 25(1-B)(a), 26, 35 of
the Arms Act.

3. The prosecution case, in short, is that on the alleged
date of occurrence, when the informant along with his team was
checking the vehicles, they got secret information that due to
land dispute, some persons are grabbing the land at village
Mahtarwa. Thereafter, they reached the place of occurrence but
all persons managed to escape away. From the spot, the police
recovered a black colour Pulsar Motorcycle 150 bearing
Registration No. BR-21X-2808, a red colour Passion Pro



motorcycle bearing Registration No. BR-21M-9598 and a grey colour jacket hung on the said Passion Pro motorcycle. From the said jacket, six live cartridges were also recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that from perusal of the F.I.R, it is evident that six live cartridges of .315 Bore have been recovered from a jacket which was hung on Passion Pro motorcycle bearing Registration No. BR-21M-9598. The said Passion Pro motorcycle does not belong to the petitioner rather the same belongs to the co-accused. Learned counsel for the petitioner submits that the black colour Pulsar Motorcycle 150 bearing Registration No. BR-21X-2808 belongs to the petitioner but nothing has been recovered from the said motorcycle. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Tharthari P.S. Case



No. 20 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa, District-Nalanda, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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