

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10685 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- BARARI District- Katihar

Awadhesh Chaudhary @ Ayadesh Chaudhary S/o- Mohar Lal Chaudhary
Resident of village- Tali Bhatta Barari PS- Barari District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 19020 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- BARARI District- Katihar

Rakesh Kumar @ Rakesh Kumar Yadav S/o- Subodh Yadav R/O- Raja
Poakar PS-Falka, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20169 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- BARARI District- Katihar

Vidur Paswan @ Vijay Paswan @ Vijay Pa. Son of Kailash Paswan Resident
of Village - Bhandartal, P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 10685 of 2025)
For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP
(In CRIMINAL MISCELLANEOUS No. 19020 of 2025)
For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Asha Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 20169 of 2025)
For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP



**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-04-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Barari
P.S. Case No. 249 of 2024 instituted for the offence under
Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. As per prosecution case, police on tip off, raided
the house of co-accused, namely, Ashok Chaudhary, and in
course of search, one rifle with magazine, one double barrel
gun, 20 live cartridges and 20 pieces of live pellet cartridge
were recovered from the courtyard of the co-accused, namely,
Ashok Chaudhary.

4. It has been submitted on behalf of the petitioners
that the petitioner, namely, Awadhesh Chaudhary @ Ayadesh
Chaudhary is in custody since 17-11-2024, having one criminal
antecedent and petitioner, namely, Rakesh Kumar @ Rakesh
Kumar Yadav, is in custody since 20-11-2024, having one
criminal antecedent, whereas, petitioner, namely, Vidur Paswan
@ Vijay Paswan @ Vijay Pa is in custody since 21-10-2024,
having six criminal antecedents.

5. It has been further submitted by the petitioners'
counsel that petitioners have been falsely implicated in the



present case. Name of the petitioners have transpired on the basis of confessional statement of co-accused, namely, Ashok Kumar Chaudhary and Manish Chaudhary, and the same has no evidentiary value in the eye of law. Nothing incriminating has been recovered from the possession of the petitioners. There is no compliance of Section 103 of the BNSS, 2023. The co-accused, namely, Ashok Kumar Chaudhary, from whose possession recovery is made, has been enlarged on bail by this Court vide order dated 20-03-2025, passed in Cr. Misc. No. 87241 of 2024. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, there being no recovery from the possession of the petitioners and charge sheet being submitted, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners, namely, Awadhesh Chaudhary @ Ayadesh Chaudhary and Rakesh Kumar @ Rakesh Kumar Yadav be released on bail, whereas petitioner, namely, Vidur Paswan @ Vijay Paswan @ Vijay Pa, be



released on bail, *after framing of charge, if not already framed*, all on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barari P.S. Case No. 249 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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