

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6678 of 2019

Arising Out of PS. Case No.-32 Year-2013 Thana- GOPALPUR District- Bhagalpur

=====

RUPESH KUMAR, Son of Shri Balmiki Singh @ Valmiki Singh, Resident of
Village - Padariya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Adv.

For the Opposite Party/s : Mr.Manish Kumar No.2, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since // in a case registered for the offence punishable under Sections 419,420,467,468,471,120B of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the basis of written report of S.I. Kamleshwar Prasad Singh submitted to the ACJM, Naugachiya is to the effect that the informant on the basis of a secret information, made surprise inspection of construction company, namely APCO Infratech Private Company Limited and found one security person on duty as a gun man, namely Prem Kumar, who shown the licence of the gun he was carrying. During inspection, the informant found two more SSBL Guns, but on demand, the licence of the



relevant arms could not be produced, however, it was suggested that the petitioner was also one of the guards in the said construction company. During investigation, the informant came to know that the alleged arms licences are forged one. It is further alleged that despite several notices being issued to the accused persons, none from the construction company appeared to co-operate in the investigation.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence is made out against the petitioner as neither the petitioner was present at the spot where the arms were recovered nor any arm belonging to the petitioner was recovered. It is further submitted that co-accused Pradip Kumar has been granted anticipatory bail vide order dated 09.03.2018, passed in Criminal Miscellaneous No. 12770 of 2018 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of statement of co-accused, Prem Kumar.



Considering the suspicious nature of accusation, investigation being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 ACJM-III, Naugachia, in connection with Gopalpur (Rangra) P.S. Case No. 32/2013.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

