IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53407 of 2019

Arising Out of PS. Case No.-585 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

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GULSHAN KUMAR @ KESHAV KUMAR S/o Ram Vinod Singh R/o village- Ramdiri, P.S.- Matihani, District- Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 27-11-2019 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Town Police Station Case No. 585 of 2018, registered for the offence punishable under Sections 25(1-b)A/26/35 of the Arms Act.

The prosecution story, as per the First Information Report, is that on an information that 4-5 persons were planning to commit some crime in the Begusarai Civil Court, the Police proceeded towards the place of occurrence, and on seeing the police, the accused persons, five in number, started fleeing away, but the police arrested three accused persons; where the two accused persons succeeded in fleeing away. The arrested persons disclosed the name of the petitioner. The police recovered illegal fire-arms from the possession of the arrested

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accused persons.

Learned Counsel for the petitioner submits that the petitioner has been implicated in the present case merely on the basis of the statement made by the co-accused. He further submits that the petitioner is in custody since 02.11.2018 and no illegal arms has been recovered from the possession of the petitioner.

On the other hand, learned Additional Public Prosecutor opposes the prayer for bail and submits that the petitioner has got criminal antecedent.

In reply, learned Counsel for the petitioner submits that out of five cases, in Muffasil Police Station Case No. 138 of 2016, the petitioner is on bail, in Matihani Police Station Case Nos. 123 of 2016 and 163 of 2017, the petitioner has been acquitted from the charges levelled against him and in Mufassil (Singhaul O.P.) Police Station Case No. 518 of 2018 and Town Police Station Case No. 634 of 2018, his applications for bail are pending before the learned Court below.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is in judicial custody since 02.11.2019 and no illegal arms has been recovered from his possession, I am inclined to

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enlarge the petitioner on bail.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Town Police Station Case No. 585 of 2018 subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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