

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8131 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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RINKU KUMAR Son of Rajdeo Prasad Resident of Village - Khem
Matihaniya, P.S.- Bishwambharpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr. Ashok Kumar
Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-06-2020 The present petition has been taken up for consideration
through the mode of Video conferencing in view of the
prevailing situation on account of COVID 19 Pandemic,
requiring social distancing.

Heard the learned counsel for the petitioner and Mr.
Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bishwambharpur P.S. Case No. 163 of 2019 for the offence
registered under Sections 25(1-b)a, 26 and 25 of the Arms Act.

The case of the prosecution in brief is that the informant
(police official) on 06.12.2019 at about 8:00 P.M. had gone
along with the police force at the alleged place of occurrence
whereupon he found that three boys standing near a



motorcycle, upon seeing the police had started fleeing away, however, one of them was caught and upon interrogation, he had disclosed his name as Sujeet Kumar and as far as the persons who had fled away, he had disclosed their names to be Guddu Kumar and the petitioner herein. From the person arrested by the police, upon search, one magazine containing seven live cartridges was found.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the name of the petitioner has been roped in the present case merely upon the basis of the confessional statement of the co-accused person, however, there is no allegation of commission of any sort of crime by the petitioner herein, hence he deserves to be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the fact that the petitioner is having a clean antecedent and he has not been alleged to have been committed any crime, I deem it fit and proper to admit the petitioner to the



privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Gopalganj in connection with Bishambharpur P.S. Case No. 163 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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