

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19779 of 2020

Arising Out of PS. Case No.-499 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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GAURAB KUMAR @ CHHOTU KUMAR @ CHHOTU, Son of Aatma
Ram Resident of Village-Sikandarpur Rajaura, Police Station-Muffasil,
District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-11-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Begusarai Muffasil (Rajaura) P.S. Case no. 499 of 2019,
registered under Section 414 of the Indian Penal Code read
with Section 25(1-B)A/26/35 of the Arms Act.

It has been alleged in the F.I.R. that upon
information given by one Bhupendra Poddar regarding forcibly
taking away pickup Van of the relative of the informant and on
receiving the said information, the Police carried away raid and
the vehicle in question was intercepted and the two co-accused
were arrested on the spot from whom, the vehicle and illegal
arms were recovered. The arrested persons disclosed the
identity of the other two persons, namely, Gaurab Kumar



(Petitioner) and Anil Kumar. Thereafter, seizure-list was prepared in presence of Homeguard and other Jawans. The seized items were Pistol loaded with 8 MM cartridges and three mobiles one of Samsung company and screen touch Nokia mobile and Vivo company mobile. The seizure-list bears the signature of the two arrested accused.

Learned counsel appearing on behalf of petitioner submits that petitioner was not involved in the said loot committed by the two arrested persons. Further submission is that petitioner was not found on the spot, rather, his name has been disclosed by the co-accused due to village politics. There is no material against the petitioner to establish the complicity of the petitioner in the alleged illegal act.

Learned A.P.P. appearing on behalf of the State opposes the pre-arrest bail of the petitioner and he submits that the petitioner was one of the members of the gang in which he managed to escape from the Police intercepted two persons.

In view of the submission made by the petitioner and the perusal of the F.I.R. it appears that the name of the petitioner has been taken by one of the co-accused in their confessional statement before the Police. From perusal of the seizure-list, it appears that nothing has been recovered from the



possession of the petitioner. In paragraph No.3 of the case diary, there is specific averment that petitioner has clean antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil (Rajaura) P.S. Case No. 499 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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