

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8769 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- BANKA District- Banka

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GANGA KUMAR @ GAGAN KUMAR Son of Shaheb Rout Resident of
Village-Shrinathpur, P.S.-Barahat, District-Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr.Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Banka (Barahat) P.S. Case No. 116/2020

registered for the offences punishable under Sections 25(1-b)A,

26, 35 of the Arms Act.

The prosecution story in brief is that the informant

who is SHO of Barahat police station recorded his self-

statement on 11.02.2020 at about 16.15 hrs. alleging therein that

on 11.02.2020 at about 10.00 hrs the informant went for

patrolling and when he reached at Bhagalpur-Dumka Main



Road at Oraiya More at 15.30 hours, he saw that three persons standing on the road side started escaping but on chase two of them were apprehended and on query they disclosed their names as Ganga Kumar (petitioner) and Abhinandan Kumar. On search, one loaded country made pistol and one mobile phone was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that no incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that prior to the present case the petitioner had no criminal antecedent and he has remained in jail in connection with this case since 12.02.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that from possession of the petitioner one loaded country made pistol was recovered, the petitioner has remained in jail in connection with this case since 12.02.2020, investigation against him is complete and prior to the present case the petitioner had no criminal antecedent as stated in paragraph '3' of the application, this Court directs



release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Smt. Sapna Rani, learned Judicial Magistrate-1st Class, Banka, in connection with Banka (Barahat) P.S. Case No. 116/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

