

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9187 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- BARAUNI District- Begusarai

=====

GULSAN KUMAR @ PRINCE SON OF RAMNANDAN RAI @
RAMNANDAN RAY RESIDENT OF VILLAGE MUSHARI, P.S.-
TEGHRA, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Opposite Party/s : Mrs.Veena Rani Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

The petitioner seeks bail in connection with Barauni (F.C.I.)
P.S. Case No.304/2020, registered for the offence punishable under
Sections 392, 397 of the Indian Penal Code and sections 25(1-
B)a/26 of the Arms Act.

The prosecution case in short is that four miscreants entered
in the jewellery shop of informant and on point of pistol took away
gold and silver ornaments worth Rs.Three Lakhs and cash of
Rs.10,000/-. The informant claimed to identify the miscreants on
seeing.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence as
alleged in the FIR. He has been falsely implicated in this case due



to village politics. He is not named in the FIR nor apprehended on the spot. Petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused. The petitioner has no criminal antecedent and has been languishing in custody since 01.09.2020.

Learned APP opposed the prayer for bail by submitting that it has come in para-86 of the case diary that the stolen silver articles has been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the said silver articles does not tally with the stolen articles of the informant. In Test Identification Parade, petitioner has not been identified by the informant.

Considering the submissions of the parties and on perusal of the impugned order and the case diary, it is apparent that the stolen incriminating articles have been recovered from the house of the petitioner, as such, I am not inclined to grant bail to the petitioner.

Accordingly, the bail application is hereby dismissed.

However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

pallavi/-

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

