

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11555 of 2021

Arising Out of PS. Case No.-154 Year-2019 Thana- BIHRA District- Saharsa

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Golu Kamat @ Golu Kumar @ Goloo Kamat Son of Badri Kamat Resident of
Village - Sihaul, P.S.- Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bihra P.S. Case
No. 154 of 2019 registered for the offence punishable under Sections
25(1-b) a 26/35 of the Arms Act.

Allegation against the petitioner is that one country made
pistol and an old Mobile were recovered on the spot from him by the
informant.

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



confessional statement of co-accused persons, he has falsely been implicated in the present case. He further submits that co-accused *Anil Kumar* and *Md. Shamim* have been granted bail *vide* order dated 21.01.2020 and 07.10.2020 in Cr. Misc. No. 3586 of 2020 and Cr. Misc. No. 25838 of 2020 respectively. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has also been made accused in twelve cases as has been mentioned in para 3 of the present bail petition and has been languishing in custody since 06.11.2019.

There is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the above co-accused persons which has not evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bihra P.S. Case No. 154 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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