

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26198 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- DHANARUA District- Patna

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Bittu Kumar @ Bittu Gope Son Of Sri Sataish Gope R/O Village- Nanauri,
P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Dhanarua P.S. Case No. 427 of 2021 (G.R. No. 1212 of 2021)
under Sections 25 (1-b) a, 26 and 35 of the Arms Act.

As per the allegation in the FIR, the police in
connection with the Dhanarua P.S. Case No. 426 of 2021
reached Dhanarua and found that unknown persons along with
the tractor has been apprehended by the local villagers. The
apprehended person gave his name as Niraj Kumar @ Pandit
Kumar. The villagers further said that this petitioner was also
sitting in the tractor but he fled away to Patna as also that a



motorcycle was also following on which Judge Kumar and Sadhu Kumar were there, who also fled towards the village Nazauri. It is further alleged that at 3:00 'o' clock when the police reached the house of accused Niraj Kumar @ Pandit Kumar, they saw a person escaping the place with a countrymade revolver. He was apprehended, who gave his name as Bittu Kumar @ Bittu Gope, (the petitioner herein). Upon search, one countrymade revolver and a cartridge as also a mobile was/were recovered. As he failed to provide any document, he was arrested after preparation of seizure list. The petitioner is also accused in the aforesaid Dhanarua P.S. Case No. 426 of 2021 lodged under Sections 392, 307 and 411 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the entire story has been cooked up by the police to implicate him inasmuch as he has not been apprehended along with the tractor but his name has been incorporated in the said FIR. It is further submitted that at 3:00 'o' clock, they raided the house of Niraj Kumar @ Pandit Kumar where he was also arrested. He further submits that due to village rivalry, those who are inimical in terms with him in a conspiracy with the police, implicated him and have shown seizure of countrymade revolver and the live



cartridges for which he has already suffered by being in custody since 12.02.2022 (as stated in paragraph-13 of the bail application).

Taking into account the fact that the case is under different sections of the Arms Act, the petitioner is in custody since 12.01.2022 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class Masaurhi (Patna) in connection with Dhanarua P.S. Case No. 427 of 2021 (G.R. No. 1212 of 2021), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police



station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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