

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50632 of 2021

Arising Out of PS. Case No.-182 Year-2020 Thana- BAKHTIYARPUR District- Patna

GULSAN KUMAR S/o Rajeev Ranjan R/o village- Shitalpatti, P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-01-2022 Learned counsel for the petitioner is permitted to make necessary correction in the first paragraph of the instant petition.

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Bharat Lal, Additional Public Prosecutor for the State.

Petitioner seeks regular bail in connection with Bakhtiyarpur PS Case No. 182/2020 registered for the offence punishable under Sections 399, 402, 411, 412, 414, 420, 467, 468, 471 of the IPC and Section 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, the police on the basis of secret information that some miscreants have assembled for the purpose of committing crime, proceeded towards the place of occurrence and apprehended four persons and upon search



recovered loaded country made pistols, live cartridges and mobile phones etc., from their possession. Two Scorpio vehicles were also seized.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired on the confessional statement of co-accused, Shiv Kumar. Learned counsel next submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statement of co-accused, Shiv Kumar, who has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 16521/2021.

Learned counsel further submits that no incriminating material and or illegal arm has been recovered from the possession of the petitioner and other named co-accused persons namely, Ram Krishan Kumar *vide* Cr. Misc. No. 33313/2021, Chandu Kumar *vide* Cr. Misc. No. 39461/2020 and Arvind Kumar, *vide* Cr. Misc. No. 39595/2020 have been granted bail by the Co-ordinate Benches of this Court.

Learned counsel also submits that petitioner is in custody since 06.04.2021 and the charge-sheet has been submitted.

Having regard to the submissions made by the parties



and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by Co-ordinate Benches of this Court, petitioner is in custody since 06.04.2021 and the charge-sheet has been submitted, I am inclined to grant regular bail to the petitioner, subject to the conditions that (1) one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner (2) petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, GULSAN KUMAR be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur PS Case No. 182/2020.

(Anil Kumar Sinha, J)

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