

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10993 of 2023**

Arising Out of PS. Case No.-142 Year-2022 Thana- GARDANIBAG District- Patna

Dipu Kumar, Son of Manoj Singh, R/O Vill.- Godhna, Post- Neura, P.S.-  
Bihta, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      04-05-2023                      Heard Mr. Sanjay Kumar Singh, learned counsel  
  
appearing on behalf of the petitioner and the learned APP for the  
  
State.

The petitioner seeks regular bail, who is in custody in  
connection with Gardanibagh P.S. Case No. 142 of 2022  
registered for the offence punishable under Sections 25(1-b)a,  
26 and 35 of the Arms Act.

The police on a secret information with regard to  
assemblage of miscreants conducted raid, however, on noticing  
the police party, 5-6 persons succeeded in fleeing away,  
however, two persons were apprehended from the spot who  
disclosed their names as ‘Vishwajeet Kumar’ and ‘Aryan Kumar  
@ Chuhwa’. From the possession of apprehended person certain  
arms and incriminating materials have been recovered.



Submission has been made on behalf of the petitioner that neither he is named in the FIR nor the apprehended person disclosed the name of the petitioner. However, during the course of investigation, it has come that the apprehended person disclosed the name of some of the accused persons, out of whom one 'Rajeev Kumar' has disclosed the name of the petitioner and, thereafter, he has been remanded in this case on 28.06.2022 and since then he is in custody. He further submits that person, who was apprehended at spot, he has already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 50538 of 2022 vide order dated 09.12.2022. It is next submitted that co-accused 'Rajeev Kumar', on whose confession the name of the petitioner has transpired, he has also been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 10822 of 2023 vide order dated 19.04.2023. He lastly submits that in fact, on account of his past criminal antecedent his name has been implicated in this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying two criminal antecedent over his head.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the name of the petitioner has surfaced on the confessional statement and save and except the confessional statement, there is no other material, coupled with the fact that other co-accused persons have been allowed on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna in connection with Gardanibagh P.S. Case No. 142 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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