

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16689 of 2023**

Arising Out of PS. Case No.-578 Year-2020 Thana- AHYAPUR District- Muzaffarpur

GOLU KUMAR @ GOLU KUMAR JHA SON OF DHRUB JHA @ DHRUP
JHA RESIDENT OF VILLAGE - MANGIYA DHARAMPUR, PS -
SIWAIPATTI, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)a, 26 and 35 of the
Arms Act.

Learned counsel for the petitioner submits that this is
the second attempt of the petitioner to seek bail as earlier his
bail application was rejected by order dated 23.03.2022 in Cr.
Misc. No. 61806 of 2021. Learned counsel further submits that
the petitioner is in custody since 29.08.2020 and the case is
under the Arms Act and the petitioner was not arrested from the
spot, as such, nothing was recovered from his possession. It is
next submitted that the bail application of the petitioner was
rejected merely on the ground that Tullu Kumar, who was



apprehended at the spot, had taken the name of the petitioner and one Gaurav Kumar as his associates who had committed the occurrence of looting the motorcycle and firing at the victim was made by Tullu Kumar. Learned counsel also submits that in the order dated 23.03.2023 in Cr. Misc. No. 61806 of 2021, it appears that inadvertently, it was typed that the petitioner was apprehended who had fired causing injury when it ought to have been Tullu Kumar was apprehended who had fired. It is next submitted that though the charges against the petitioner have been framed but till date the trial has not commenced.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the aforesaid submission, the petitioner, above named, is directed to be released 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 learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 578 of 2020, Tr. No. 1245 of 2021.

One of the bailors of the petitioner shall be his father Dhrub Jha @ Dhrup Jha.

Further, in the event, if the learned trial court comes to a conclusion that the petitioner, after his release, is trying to



delay the trial of the case in any manner, the learned trial court shall forthwith cancel the bail bond of the petitioner and take all coercive measure to ensure that the petitioner is behind bars.

(Satyavrat Verma, J)

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