

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22877 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- MANSURCHAK District- Begusarai

GULSHAN KUMAR son of Chandradeo Paswan Village- Dasrathpur Ps-
Mansoorchak Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mansoorchak P.S. Case No. 39 of 2022 registered for the offences punishable under Section 414 of the IPC and Section 25(1-B) (a), 26 and 35 of Arms Act.

As per prosecution case, informant received secret information that few persons armed with weapon are standing near Bhawanipur Cold Storage and planning some occurrence after that informant raided the spot and on seeing the police personnel 4 to 5 persons started escaping from there and out of them four persons apprehended by the police who disclosed their name thereafter all apprehended co-accused were searched and one country made pistol and two live cartridges were



recovered from possession of co-accused Abhishek Thakur and two mobile phone were seized from other co-accused and apprehended co-accused disclosed the name of present petitioner who fled away from the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 08.02.2023 and bears no criminal antecedent. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. He further submits that petitioner is quiet innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate 1st Class, Begusarai in connection with Mansoorchak
P.S. Case No. 39 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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