

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41737 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- GRIYAK District- Nalanda

Gulshan Kumar, Son Of Ajay Singh Resident Of Village - Narachwar, P.S. -
Harnaut, Distt. - Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava- Advocate Mr. Ram Prawesh Kumar
For the State	:	Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that 50 live cartridges were recovered from Dhiraj Kumar, who disclosed that he got the cartridges from Navin Kumar and was owing to supply to Rakesh Kumar. Further, petitioner helps in selling the same. Further, from the house of Dhiraj Kumar, two live cartridges were also recovered and from the house of Rakesh Kumar, 2180 live cartridges were recovered



along with two pistols.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that Dhiraj Kumar disclosed that this petitioner helps in selling the arms and ammunitions. It is next submitted that petitioner was not even present at the place of occurrence and based on confessional statement of Dhiraj Kumar, he has been implicated in the present case because of his antecedent. The learned counsel next submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Nalanda at Bihar Sharif in connection with Giriyak (Pawapuri) P. S. Case No.201 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father namely, Ajay Singh.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall come to an end.

(Satyavrat Verma, J)

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