

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48209 of 2023

Arising Out of PS. Case No.-254 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SANTOSH KUMAR S/O PRAMAOD SINGH R/O Village- Ward No.-08,
Rajapur, P.S- Muffasil, Distt.- Begusarai, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Shankar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Begusarai Muffasil (Singhaul O.P.) PS case
no. 254 of 2023, registered for the offences punishable under
Sections 25(1-b)a, 26, 35 of Arms Act.
3. The allegation is regarding the informant having
apprehended the co-accused person namely Rohit Kumar at 6.30
am on 08.05.2023 and upon search, three loaded countrymade
pistols and one live cartridge from each pistol was recovered,
whereafter the said apprehended co-accused person was
interrogated, whereupon he disclosed the name of his
accomplices, who had fled away including that of the petitioner
herein.



4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be accused in two other cases but he is on bail in both the cases. The learned counsel for the petitioner has further submitted that neither the petitioner has been apprehended from the spot nor any illicit arms have been recovered from his conscious possession and merely on the basis of the confessional statement of the co-accused person, he has been implicated in the present case.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the illicit arms have not been recovered from the conscious possession of the petitioner and his name has transpired in the present case merely on the basis of the confessional statement of the co-accused person namely Rohit Kumar, which has got no evidentiary value in the eyes of law, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the



event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Begusarai in connection with Begusarai Muffasil (Singhaul O.P.) PS case no. 254 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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