

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53878 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- KHAGAUL District- Patna

GOVIND KUMAR SON OF SHRI BINOD RAM RESIDENT OF
GARIKHANA, NEAR AGRAWAL PRINTING PRESS, DINAPUR CUM
KHAGAUL, POST - KHAGAUL, P.S. - KHAGAUL, DANAPUR, PATNA,
BIHAR, 801105

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-08-2023 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 Khagaul P.S. Case No. 91 of 2023, registered for the offence punishable under Section 25(1b)a and 35 of the Arms Act.

3. The allegation is regarding the informant having received confidential information that country made pistol was kept at the house of the co-accused person, namely, Sudhir Kumar, whereafter a raid was conducted on 22.2.2023 at the quarter of the said co-accused person, namely, Sudhir Kumar, situated at Neora colony and during the course thereof, the said Sudhir Kumar was arrested and upon search, one country made pistol



was recovered. It is further alleged that when the said Sudhir Kumar was interrogated, he disclosed that the pistol was given to him by the petitioner and two other co-accused persons.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the pistol has been recovered from the petitioner nor from his house and moreover, the name of the petitioner has transpired in the present case, upon the confessional statement made by the co-accused person, namely, Sudhir Kumar, which has got no evidentiary value in the eyes of law.

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 petitioner, taking into account the materials available on record as also considering the fact that neither the pistol in question has been recovered from the petitioner nor from his house, apart from the fact that the name of the petitioner has transpired in the present case, upon the confessional statement made by the co-accused person, namely, Sudhir Kumar, which has got no



evidentiary value in the eyes of law, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Danapur, in connection with Khagaul P.S.Case No. 91 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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