

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6609 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- BIHTA District- Patna

Golu Kumar Son of Brij Bihari Rai @ Vrij Bihari Resident of Village-
Suarmarwa, P.S.-Maner, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purusottam Kumar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 311 of 2023, dated 26.03.2023, registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and under section 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, some accused persons sitting in Bolero and bullet motorcycle were raided by police and on search some incriminating articles (as per seizure list) recovered from their respective possession. On investigation, co-accused Nirranjan Kumar disclosed that the said 30.06 rifles is illegal and going to sale to sand mafiya Uma Shankar Singh



@ Sipahi Ji. He further submitted that they used to sale illegal arms and cartridges for the purpose of illegal mining in Bihta by way of creating terror by firing and capturing sand ghats.

4. Learned counsel for the petitioner has submitted that the petitioners have falsely been implicated in this case. It is further submitted that the petitioner was neither present at the place of occurrence nor the petitioner has no concern either with the arrested person. The apprehended co-accused persons disclosed the name of the petitioner. It is further stated that as per the F.I.R., the allegation is that the apprehended accused persons were allegedly going to sell the recovered arms and ammunition to the petitioner and second part of the allegation is that they were going to commit *dacoity* with the recovered arms and ammunition which create doubt upon prosecution case. Similarly situated co-accused has already been granted anticipatory bail by this court vide order dated 12.02.2024 passed in Cr. Misc. No. 403 of 2024. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has three criminal antecedents as stated in para-3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Danapur in connection with Bihta P.S. Case No. 311 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

- i. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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