

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14866 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Golu Kumar S/o Sanjit Kumar @ Sanjit Ray, R/o Village- Bahadurpur Patori,
Balha, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Shanti Bhushan Singh, the learned

counsel for the petitioner and Mr. Kumar Veerendra Narayan,

the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Shahpur Patory PS Case No. 02 of 2024, FIR

dated 03.01.2024, registered for the offences punishable under

Sections 25(9), 25(1-B)(a), 26 and 35 of the Arms Act.

3. According to prosecution case, one Rohit Kumar

was apprehended by the police and from his possession one

country-made pistol and mobile phone was recovered. It is

further alleged that from the video apps of his mobile, he was

found opening fire on his birthday party. It is further alleged that

the petitioner and one Shiv Nath Kumar had provided two

country-made pistols along with one cartridge on his birthday

party.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that recovery has been made from the co-accused person namely, Rohit Kumar, who has confessed that the petitioner is also involved in the present occurrence and on the basis of the confessional statement of the co-accused person, name of the petitioner has falsely been implicated in the present case and except the confessional statement of the co-accused, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence. He lastly submits that upon bare perusal of the FIR and seizure list, it appears that no case is made out against the petitioner under Arms Act.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and his name transpired on the basis of confessional statement of the co-accused person, let the petitioner, above-named, in the event of

his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur, where the case is pending in connection with **Shahpur Patory PS Case No. 02 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court

shall take step for cancellation of bail bond of the petitioner.
However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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