

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29577 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- BANGAWON District- Saharsa

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Rahul Kumar @ Golu Son of Prithivi Chandra Sah Resident Of Village -
Amarpur Ward No.8 (O.P.), P.S. - Sonbarsa Katchari Sadar, District - Saharsa,
At Present Residing In Sant Nagar Ward No.4, Saharsa, P.S. And District -
Saharsa

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Sour
Bangaon P.S. case No. 85 of 2023 instituted for the offences
under Sections 413, 414 of the Indian Penal Code and 25(1-b)a,
26, 35 of the Arms Act.

3. As per the F.I.R., police on the basis of secret
information that some miscreants were planning to commit



crime, raided the place of occurrence. On seeing the police, the accused persons tried to flee away but four persons were apprehended. On search, recovery of arms and ammunitions was made from the apprehended persons. The apprehended persons disclosed the name of this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on the spot. The name of the petitioner has transpired in this case on the basis of disclosure made by the apprehended persons. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.07.2023 and has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after*



framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sour Bangaon P.S. case No. 85 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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