

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30801 of 2024**

Arising Out of PS. Case No.-4 Year-2024 Thana- KHUDAGANJ District- Nalanda

Guddu Kumar son of Late Baliram Prasad Village- Nauranga P.s.- Islampur  
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
For the Petitioner/s : Mr. Anil Kumar Singh, Advocate  
For the State : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      21-05-2024                      Heard   Ld.   counsel   for   the   petitioner   and  
  
Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Khudaganj P.S. Case No. 04 of 2024 dated 08.01.2024, registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. The prosecution case as per the written report of S.I. Baban Kumar is that the petitioner has filed a case earlier bearing Khudaganj P.S. Case No. 133 of 2023 that on 12.09.2022 three unknown persons with Pulser motorcycle had committed loot with him and during course of loot, the pistol of the miscreants was snatched by him and the same was produced by his family members to the police. It is further alleged that during course of investigation of Khudaganj P.S. Case No. 133 of 2022, the I.O. found the case untrue and hence, lodged the



present case against the petitioner for keeping illegal arms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the country made pistol, which is subject matter of the present F.I.R., against the sole accused-petitioner was in fact found by the petitioner from accused of Khudaganj P.S. Case No. 133 of 2022 where the pistol fell down on soil when the accused persons were fleeing away after committing crime. However, police has found case filed by the present petitioner bearing Khudaganj P.S. Case No. 133 of 2022 against the accused false and the police has filed the present case against this petitioner for possessions of illegal arms. He further submits that on account of misconception of the police, this case has been filed against the petitioner because by using the same arms, the accused persons of Khudaganj P.S. Case No. 133 of 2022 has also injured him while committing crime against him and this arms was handed over by father of the petitioner to the police and taking the petitioner to hospital for treatment.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition



that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-Ist, Hilsa, Nalanda, in connection with Khudaganj P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial



court shall cancel the bail bond of the petitioner.

ravishankar/S.Ali

(Jitendra Kumar, J.)

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

