

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31632 of 2024

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

Shiv Shankar Kumar @ Karu Son of Nand Kishor Singh Resident of Village-
Piariya, P.S- Gaurichak , Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gaurichak P.S. Case No. 311 of 2023 dated 26.05.2023
instituted for the offence punishable under Sections 120(B) of
the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms
Act.

3. The prosecution case in short is that on 26-05-2023
at about 10.15 AM, informant, namely, Krishna Kumar, who is
SI-cum-officer-in-charge of Gaurichak PS got a tip off regarding
manufacturing of illegal arms in the newly constructed house of
Binod Singh. Thereafter, police party reached the place of
occurrence and on identification, raided the house and seized
half manufactured country made pistol and huge quantity of



tools, articles for manufacturing of illegal arms from the underground room of the said house and two persons were apprehended.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner has been made accused only on the basis of disclosure made by the apprehended person who were arrested at the spot. The name of the petitioner has been dragged in this case only on the basis of confessional statement of co-accused, namely, Md. Ahsan and Md. Chuuna, whom the petitioner has no acquaintance. The name of the petitioner has been surfaced in the instant case at the instance of S.I. Babam Kumar, who is the Investigating Office of this case. It is further submitted that earlier said Bambam Kumar has registered an FIR bearing Gaurichak PS Case No. 06 of 2022 on 02-01-2022 as an informant. He threatened the petitioner to ruin his career and life by implicating him in concocted cases. It is also submitted that petitioner's mother also registered a criminal complaint against the said Bambam Kumar bearing Complaint case no. 34 of 2022 alleging high handedness of the said Bambam Kumar and other police personnel. The petitioner has no concern with apprehended person or the house of Binod



Singh from where the incriminating articles were seized. It is submitted that co-accused, namely, Sintu Devi has been granted anticipatory bail by this Court *vide* order dated 07-02-2024 passed in Cr. Misc. No. 2835 of 2024 (Annexure-3). Lastly, it has been submitted that the petitioner has one criminal case pending against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gaurichak P.S. Case No. 311 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Patna City, subject to condition as laid down Under Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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