

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53746 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Golu Kumar @ Deepak Kumar, Son Of Ram Narayan Sahani, Village-
Rajwara Dih, PS -Mushahri, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-10-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Bochahan P.S. Case No. 77 of 2024, registered for the
offences punishable under Sections 25(1-B)a, 26, 35 of the
Arms Act.

3. The police on a tip off assemblage of miscreants
conducted raid and apprehended one person. However, upon
noticing the police party, two of his accomplice succeeded in
fleeing away. The apprehended person disclosed the name of the
petitioner as his accomplice.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly the name of the petitioner



has surfaced on the disclosure made by the apprehended person before the police, which is not admissible and hit by Section 25/26 of the Indian Evidence Act. It is further contended that apart from the aforesaid fact, the petitioner also bears fair antecedent and he undertakes that he will fully cooperate in the investigation or the proceeding of the Court. It is next contended that during the course of investigation except the disclosure made by the apprehended person, no cogent material has come, suggesting the complicity of the petitioner in the crime and now the police is chasing behind the petitioner, left with no option, moved before this Court for the privilege of anticipatory bail.

5. On the other hand, the learned Advocate for the State opposed the pre-arrest bail application and submits that the name of the petitioner has been disclosed by the apprehended person from whose possession arms and ammunition and other incriminating materials were recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the fact that the name of the petitioner has been disclosed by apprehended person from whose possession incriminating materials were recovered, this Court is not acceded to exercise its discretion in favour of the petitioner.



However this Court directs that if the petitioner shall ensure his surrender before the jurisdictional Court within a period of four weeks from today, the jurisdictional Court shall consider the case of the petitioner expeditiously, without being prejudiced by the order of this Court and taking note of the fair antecedent of the petitioner as also the fact that the case against the petitioner is based on only confessional statement of co-accused.

7. The application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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