

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56274 of 2024**

Arising Out of PS. Case No.-225 Year-2022 Thana- BAHADURPUR District- Patna

Sumit Kumar @ Golu Kumar S/o Shankar Kishore Mehta R/o Mohalla- Jai Mahavir Colony Sandalpur, Sampatchak, Mahendru, P.S.- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                            |
|----------------------|---|------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Anirudh Kumar, Advocate<br>Mr. Ravish Mishra, Advocate |
| For the State        | : | Mr. Shailendra Kumar, APP                                  |

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

2      05-08-2024                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 225 of 2022 dated 15.07.2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act and Sections 25(1-b)a, 26/35 of Arms Act.

3. The prosecution case as emerges from the F.I.R. is that there is recovery of one pistol, three live cartridges and 60 liters of country made *Mahua* liquor from co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that petitioner was neither



arrested on the spot nor anything has been recovered from his possession. The name of the petitioner has transpired in the confessional statement of co-accused. Hence, no case is made out against the petitioner.

5. He further submits that similarly situated co-accused namely, Mohan Ray has already been enlarged on anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 59226 of 2022.

6. It is stated in paragraph No.3 of the bail petition that the petitioner has two criminal antecedents. He is already on bail in both the cases.

7. Learned A.P.P. for the State opposes the prayer of the Petitioner for Anticipatory Bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that similarly situated co-accused named above has already been enlarged on anticipatory bail, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Ld. Exclusive Court of Excise, Patna City, in connection with Bahadurpur P.S. Case No. 225 of 2022, 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 the court below that the petitioner has any criminal antecedents, Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

**(Jitendra Kumar, J.)**

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