

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58728 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- GAURICHAK District- Patna

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Durganand Patel @ Durga Nandan Patel Son of Suresh Patel @ Suresh Raut
R/O Vill.- Niranjana Pur, Kharuniya Bigha, Chotti Pahari, P.S.- Agamkuan,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gaurichak PS Case No. 88 of 2023 dated 08-02-2023 instituted
for the offence punishable under Sections 25(1-b)a, 26 and 35 of
the Arms Act.

3. The prosecution case in short is that on 08-02-2023
the informant, during course of patrolling got a tip off that firing
is going on between two groups. On getting information,
informant went at the place of occurrence along with police
party and the local people of the vicinity told about the same
fact of firing at the said spot between the two groups and on
seeing the police, both the groups fled away. It is further alleged



that in presence of two official witnesses search was conducted and six empty cartridges and one pulsar motorcycle bearing Registration No. BR-01EU-1750 was recovered. Thereafter, raid was conducted at the house of Jitendra Kumar where Jitendra Kumar and one Sanjeev Kumar were arrested and on search of the house of Jitendra Kumar one 315 single barrel rifle was recovered and the seizure list has been prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that police recovered 06 empty cartridges and one pulsar motorcycle from Bihta Sarmera four lane near Aniyoo village. It is further submitted that one 315 single barrel rifle was recovered from the house of Jitendra Kumar. The police apprehended two persons, namely, Jitendra Kumar and Sanjeev Kumar from the house of Jitendra Kumar. It is submitted that petitioner has been made accused on the basis of secret information gathered from the local people of the vicinity. It is next submitted that nothing has been recovered from possession of the petitioner or from the house of the petitioner. Further, the petitioner has no concern with the seized motorcycle. Lastly, it has been submitted that petitioner has one criminal case against him bearing Gaurichak PS Case



No. 89 of 2023. The said case was lodged on the basis of recovery made from the house of Jitendra Kumar.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for anticipatory 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 PS Case No. 88 of 2023, petitioner 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 Cr.P.C. 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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