

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66646 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- SAMASTIPUR District- Samastipur

Gulam Ahmad Raja @ Pulsar @ Md. Ahamad Rja Son of Imamul Haque @
Enamulhaq Resident of village - Chini Mill Chawk, Police Station -
Samastipur Town, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Samastipur Town P.S. Case No.85 of 2023, registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code read with 25(1-B)a 26, 35 of the Arms Act.

3. As per the prosecution case, allegation against the
petitioner alongwith co-accused persons is that while they
assembled and preparing for committing offence, the police party
raided the place of occurrence and arrested some of them. On
search, country made pistols along with huge cash was recovered
from co-accused persons who disclosed that they had been called
by the petitioner to commit big crime for which they were making
planning.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.



He further submits that neither there is any incriminating article has been recovered from the conscious possession of the petitioner nor he was apprehended from the alleged place of occurrence. Learned counsel submits that the name of petitioner has been transpired in this case on the basis of confessional statement of all the three apprehended co-accused persons. He further submits that petitioner is in custody since 13.03.2024 and he has 18 criminal antecedents, in which, he is on bail in 9 criminal cases.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner and submits that petitioner is habitual offender and the petitioner had called the other co-accused persons to commit crime.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties as well as the allegations made against the petitioner and in view of the fact that the petitioner has eighteen criminal antecedents which includes the cases under Sections 302, 307, 399 and 395 of the Indian Penal Code and Arms Act, this Court is not inclined to enlarge the petitioner on regular bail. Accordingly, the prayer for regular bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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