

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66130 of 2024

Arising Out of PS. Case No.-948 Year-2023 Thana- KHAGARIA District- Khagaria

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Gulshan Kumar Son of Shivchandara Paswan Resident of Village - Bhadas
North, P.S. - Muffasil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Khagaria P.S. Case No.
948 of 2023, G.R. No. 3163 of 2023, instituted for the offences
punishable under Section 414 of the Indian Penal Code,
Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of two country made pistols and one live cartridge
from the house of co-accused Karan Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not apprehended on spot. Name of the petitioner has transpired on the basis of confessional statement of other co-accused persons and the same has got no evidentiary value. The petitioner has got no concern with the alleged recovery of arms. The petitioner is in custody since 27.05.2024 and has got two criminal antecedents in which he is on bail. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 27398 of 2024 and order dated 10.05.2024 passed in Cr. Misc. No. 31465 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Khagaria P.S. Case
No. 948 of 2023, G.R. No. 3163 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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