

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74478 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- GAURICHAK District- Patna

Deepak Singh Son of Vinod Singh R/o Village- Piyariya PS -Gaurichak Distt
-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Adv.

For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gaurichak P.S. Case No. 311 of 2023 dated 26.05.2023
instituted for the offence punishable under Sections 120(B) of
the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms
Act.

3. The prosecution case in short is that on 26-05-2023
at about 10.15 AM, informant, namely, Krishna Kumar, who is
SI-cum-officer-in-charge of Gaurichak PS got a tip off regarding
manufacturing of illegal arms in the newly constructed house of
Binod Singh. Thereafter, police party reached the place of
occurrence and on identification, raided the house and seized
half manufactured country made pistol and huge quantity of



tools, articles for manufacturing of illegal arms from the underground room of the said house and two persons were apprehended.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner was arrested in connection with another criminal case bearing Gaurichak P S Case No. 194 of 2023 dated 09-04-2023 and later on he was granted bail by the learned Court below itself on 13-07-2023 *vide* B.P. No. 499 of 2023. The present case has been lodged on 26-05-2023 when he was in Beur jail in connection with Gaurichak PS Case No. 194 of 2023. It is next submitted that the present case is totally a false and concocted case. It is submitted that only on the basis of his own confessional statement, he has been made accused in this case. Further, the other co-accused persons have been granted anticipatory bail by this Court *vide* orders dated 07-02-2024, 12-07-2024, 20-07-2024 and 13-09-2024 passed in Cr. Misc. Nos. 2835 of 2024, 11192 of 2024, 31632 of 2024 and 67341 of 2024 respectively (Annexure 3 series). Lastly, it has been submitted that the petitioner has five criminal case pending against him.

5. Learned A.P.P. has opposed the prayer for 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 P.S. Case No. 311 of 2023, he 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 Code of Criminal Procedure, 1973, 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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