

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84712 of 2024

Arising Out of PS. Case No.-1120 Year-2023 Thana- KHAGARIA District- Khagaria

Gulshan Kumar S/o Shivchandara Paswan R/o Village- Bhadas North, P.S.-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Khagaria (Muffasil) P.S.
Case No. 1120 of 2023, instituted for the offences punishable
under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of once country-made pistol and one live cartridge
from the possession of co-accused Mithun Sahni.

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 has got no concern



with the alleged recovery of arms. No any arms have been recovered from the possession of the petitioner. The petitioner is in custody since 25.07.2024 and has got three criminal antecedents in which he is on bail in all cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 20.06.2024 passed in Cr. Misc. No. 41818 of 2024. There is no compliance of Section 100 of Cr.P.C.

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 (Muffasil) P.S. Case No. 1120 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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