

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10938 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- GARDANIBAG District- Patna

Govind Kumar @ Govind Kumar Kashyap, aged about 30 years, S/o Late
Rajendra Yadav, R/o Village- Sarasat, P.S. Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Singh, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gardanibagh P.S. Case No. 142 of 2022 dated 16.03.2022
registered for the offences punishable under Section 399, 402 of
the I.P.C. and Sections 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, police apprehended the
co-accused Vishwajeet Kumar and recovered one country made
pistol, magazine and two live cartridges from his possession and
the co-accused Aryan Kumar @ Chuhwa was also apprehended
and from his possession, three live cartridges were recovered.
The police also seized several articles from the room. It is
further alleged that the apprehended co-accused persons



disclosed the name of the petitioner and other co-accused as fleeing persons from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot. His name has sprung up in the present case on the basis of the confessional statement of the co-accused which got no evidentiary value in the eye of law. No incriminating article has been recovered from possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. The petitioner has been remanded in the present case from Phulwari Sharif P.S. Case No. 534 of 2022. It is further submitted that other co-accused person Vishwajeet Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 50538 of 2022 under order dated 09.12.2022, annexed as Annexure-2 to the bail petition. The petitioner has three criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.06.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Patna in connection with Gardanibagh P.S. Case No. 142 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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