

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4839 of 2025

Arising Out of PS. Case No.-81 Year-2024 Thana- RUPO District- Nawada

1. DilKhush Kumar, aged about 27 years, Gender-Male, Son of Ashok Singh, R/O village- Andauli, P.S.- Chewara, Dist- Shekhpura
2. Chhotu Kumar, aged about 23 years, Gender-Male, son of Navin Singh @ Guhan Singh, R/O village- Andauli, P.S.- Chewara, Dist- Shekhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Rupau P.S. Case No. 81 of 2024 dated 16.09.2024 registered for the offences punishable under Sections 25(1-B)a and 26 of the Arms Act.

3. As per the prosecution case, Chhotu Kumar (petitioner no. 2) was arrested in Rupau P.S. Case No. 80 of 2024 dated 15.09.2024 for interrogation. He confessed his guilt before the police and stated that five persons including himself came for dacoity under Rupau Police Station. He has further stated that he possessed the weapon of Dilkhush Kumar



(petitioner No. 1) which was hidden in the passenger shed. Upon which, the police alongwith Chhotu Kumar (petitioner no. 2) went there and recovered one country made katta. He has not produced any document with regard to the said recovered katta. He has further disclosed that the said country made katta was given by Dilkhush Kumar (petitioner no. 1) for using in committing the dacoity.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioners and their names have come in the present case only on the basis of confessional statement made before the police by Chhotu Kumar (petitioner no. 2) which has got no evidentiary value in the eye of law. No incriminating article has been recovered from their possession. The petitioners have no knowledge with regard to katta in question from the place of occurrence. The petitioner no. 1 has four criminal antecedents and in two cases, he is on bail and the petitioner no. 2 has five criminal antecedents and in three cases, he is on bail as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 16.10.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Nawada in connection with Rupau P.S. Case No. 81 of 2024 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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