

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88846 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- KALYANPUR District- East Champaran

BrihaspatKumar @ Golu Kumar Son of Gajendra Patel Resident of Vill-
Dulma, Ward No. 3, Chaitya, P.S.- Madhuban, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

ORAL ORDER

2 23-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 264 of 2024, instituted for the offences punishable under Sections 310(4), 310(5), 338, 340, 61(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons were getting prepared for committing crime, in the meantime, police arrived at the place of occurrence and apprehended all the accused persons. On search, one country made pistol, one smart phone and one laptop and charger have been recovered from the possession of the petitioner.



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. The petitioner is in custody since 09.08.2024 and has got four criminal antecedents in which he is on bail in one case.

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 and taking into account the period of custody undergone by the petitioner, 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 Kalyanpur P.S. Case No. 264 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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