

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22445 of 2019

Arising Out of P.S. Case No.-713 Year-2018 Thana- LAKHISARAI District- Lakhisarai

SHANKAR VISHWAKARMA aged about 22 years, Gender-Male, son of Suresh Vishwakarma, resident of village-Ward N0.09, Bari Pokhar, Purani Bazar, Behind of K.S.S. College, Police Station and District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 30.11.2018 in connection with Lakhisarai P.S.Case No.713 of 2018 for the offence alleged under Sections 25(1-b)a and 26(ii) of the Arms Act.

The prosecution case as lodged by the police personnel is that a raid was conducted in a mini gun factory and one Golu Kumar was apprehended who revealed the name of the petitioner to be indulged in manufacturing of arms. The raid was conducted in the house of the petitioner and from a box under the clothes one pistol and one semi finished arm was recovered. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he was not present in the house and except for Lakhisarai P.S.Case No.712 of 2018 for similar offence and under Excise Act which was registered on the same day, the petitioner does not bear any other criminal antecedent. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence or witnesses and the petitioner is languishing in judicial custody since more than four months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Lakhisarai P.S.Case No.713 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

B.Kr./-

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