

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36843 of 2020

Arising Out of PS. Case No.-279 Year-2020 Thana- KADAMKUAN District- Patna

ABHINISH KUMAR Son of Ajit Kumar Resident of Bari Pahari, P.S.- Agam
Kuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

At the outset, the learned counsel for the petitioner
seeks to correct the name of the petitioner in the main petition.

Permission is granted. The necessary correction in
the name of the petitioner be made during the course of the day.

The petitioner seeks regular bail in connection with
Kadamkuan P.S. Case No. 279 of 2020 for the offence registered
under Sections 25(1-B) (a), 26, 27 and 35 of the Arms Act.

The case of the prosecution, in brief, is that a live
video was being exhibited on the face book, wherein the
accused persons were seen resorting to firing on the roof of the
house of one Ankit Kumar Sinha whereafter the police is stated
to have raided the said place of occurrence and from one room



two country made pistol and some cartridges were recovered, while from the other room one country made arm and one pistol were recovered apart from recovery of cartridges and empty khokhas. It is further alleged that in all 15 persons were arrested from the said two rooms and the petitioner is also stated to have been arrested from the place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 03.07.2020. The learned counsel for the petitioner has further submitted that the petitioner had gone to the alleged place of occurrence upon being invited for a birthday party, nonetheless, the police has not recovered any arms or cartridges from the conscious possession of the petitioner herein.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the period of incarceration of the petitioner, apart from the fact that no illicit arms have been recovered from



the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Patna in connection with Kadamkuan P.S. Case No. 279 of 2020.

(Mohit Kumar Shah, J)

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