

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25629 of 2021**

Arising Out of PS. Case No.-213 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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DHIRAJ YADAV Son of Sujeet Yadav Resident of Village - Dandari Tola
Lakhminiya, P.S.- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.PP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 11-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 01.12.2020
seeks regular bail in connection with Shahebpur Kamal P.S.
Case No. 213 of 2020, for the offence punishable under Section
25(1-b)a, 25(1-A) 25(1-AA), 26 and 35 of the Arms Act,
pending in the Court of Chief Judicial Magistrate, Begusarai.

The prosecution case, in brief, is that on receiving
secret information regarding illegal arm factory being run, the
Police reached near Guava orchard from where some articles
were recovered, which are required for repairing as well as



manufacturing of arms. The petitioner managed to escape, but, one co-accused Md. Jamsher was apprehended on the spot. On search, one country made pistol, one incomplete pistol and some barrels, which are required in manufacturing of pistol.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of petitioner surfaced in this case on the basis of confessional statement of co-accused Md. Jamsher, who was apprehended on the spot. The petitioner is in custody since 01.12.2020 and after investigation, the Chargesheet has already been submitted by the Police.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having considered the facts and circumstances of the case and nature of allegation as well as recovery of arms and ammunition as well as equipment, which are used in making illegal arms, prima facie, it appears that petitioner was running a factory, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of bail to the petitioner, above named, is rejected.



It is directed that the learned Court below should hold the trial expeditiously, preferably within a period one year.

Let a copy of the order be sent to the S.P., Begusarai in order to produce witness before the trial Court.

(Purnendu Singh, J)

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