

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40594 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- DIDARGANJ District- Patna

VINOD RAM Son of Late Ganesh Ram Resident of Village- Fatehpur, P.S.-
Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Choudhary, Sr. Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned Senior counsel for the petitioner and Sri Gauri Shankar Gupta, the learned APP for the State.

The petitioner seeks regular bail in connection with Didarganj PS case no. 259 of 2020 instituted for the offences punishable under Sections 120(B)/34 of Indian Penal Code and 25(1-AA), 26(i)(ii), 35 of Arms Act.

The allegation is regarding police force having raided the poultry farm of the co-accused person namely Munna Singh @ Mukesh Patel, whereafter equipments used for manufacturing arms were recovered from beneath the floor of the poultry farm. It is also alleged that some half-manufactured



and newly manufactured countrymade pistols, cartridges, mobile phones etc. were recovered. The petitioner is alleged to be the person who was looking after the work being done. It is also alleged that the petitioner was engaged in supervising the work of manufacturing of illicit countrymade pistols etc.

The learned Senior 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 is languishing in custody since 05.12.2020. The learned Senior counsel for the petitioner has further submitted that no recovery of any sort of arms etc. has been made from the conscious possession of the petitioner and at best, he can be said to be the person arrested from near the poultry farm in question, while he was allegedly fleeing away from the said poultry farm. The learned Senior counsel for the petitioner has further submitted that the charge sheet has already been filed in the present case and investigation is complete, hence no prejudice would be caused to the prosecution, in case the petitioner is enlarged on bail.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that no recovery of arm has been made from the conscious possession of the petitioner, he is having a clean antecedent and is languishing in custody since 05.12.2020, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-IV, City Court, Patna in connection with Didarganj PS case no. 259 of 2020.

(Mohit Kumar Shah, J)

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