

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40846 of 2021

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

MD. ISTEKHAR @ MD. IMTIYAZ S/O MD. WASIM R/o village- Mirjapur
Bardaha, P.S.- Muffasil, District- Munger

... .. 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.Ajit Kumar, 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 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, mobiles phones etc. were recovered. The petitioner is alleged to be a labour engaged in 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 has further submitted that the role of the petitioner has transpired in the present case upon disclosure made by the co-accused person namely Md. Shoaib in his confessional statement to the effect that the petitioner is one of the labourer who was working in the illicit gun making factory. 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 arms have been recovered from the conscious possession of the petitioner and as per the confessional statement of the co-accused person namely Md. Shoaib, the petitioner is merely a labourer, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since a long time, 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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