

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33203 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- GWALPARA District- Madhepura

RAJEEV KUMAR @ BOUA SINGH Son of Ajay Singh @ Ajay Kumar
Singh Resident of village - Sahpur, P.S.- Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gwalpara
P.S. Case No. 90/2021 arising out of S.T. No.219/2021
registered for the offences punishable under Sections 25(1AA)
(1-B) (a) (c)/26 of the Arms Act.

As per prosecution case, on 16.06.2021, the informant
got a secret information that one co-accused, Birendra Kumar
and his son Arpan Kumar are running a mini gun factory in
which they are making illegal country made weapons. The
informant alongwith police party reached at the shop of co-
accused, Birendra Thakur, during search several articles meant



for making illegal weapons, many half made weapon parts and other articles were recovered from that place. Accusation against the petitioner is that the apprehended co-accused, Birendra Thakur used to sell the illegal arms to the petitioner and other accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Admittedly all the arms and ammunition has been recovered from the shop of co-accused, Birendra Kumar. No incriminating article has been recovered from the possession of the petitioner. Rather he was apprehended in Chousa P.S. Case No. 57/2021 dated 16.06.2021 under Sections 399/402 I.P.C. & Sections 25(1-b) a/26/35 of the Arms Act and remanded in the present case, except confessional statement of co-accused, Birendra Thakur nothing is found against the petitioner. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 21.07.2021 bears criminal antecedent of 05 cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, Madhepura in connection with Gwalpara P.S. Case No. 90/2021 arising out of S.T. No.219/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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