

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54229 of 2021**

Arising Out of PS. Case No.-218 Year-2019 Thana- KHODAWANDPUR
District- Begusarai

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Abhikant Kumar @ Lal Babu Son of Shivnath Yadav Resident of Village -
Madhepura, P.S.- Singhiya, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Roy, Advocate

For the State : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 04-04-2022 The applicant is given out of turn hearing on account

of serious illness of his mother, which fact is not disputed by the

State.

The applicant is accused in Crime No. 218 of 2019
registered with Police Station-Khodawandpur for the offences
punishable under Sections 25(1-A), 25(1-AA), 26/35 of the Arms
Act. By this application, he is seeking his release on bail during
pendency of the trial.

Heard both sides.

The learned Additional Public Prosecutor opposed the
application by contending that the applicant was the owner of
the mini gun factory which was in operation at the tenanted
premises of co-accused Sonu Yadav.

I have considered the submission so advance and also



perused the materials placed on record including the counter affidavit filed by the State.

It is the case of the prosecution that the police received secret information to the effect that Sonu Yadav is operating the mini gun factory. Accordingly, the premises were raided and inmates of that place fleeing from the spot. On search of the premises, one newly manufactured firearm, few firearm under manufactured and other articles came to be seized.

Evidence against the applicant is primarily comprising of statement of co-accused Sonu Yadav made to the police. Investigation of the subject crime is already over. The applicant is not having any criminal antecedents. In this view of the matter, I see no reason to refuse bail to the applicant. Therefore, the following orders:

(i) The application is allowed.

(ii) The applicant/accused in Crime No. 218 of 2019 registered with Police Station-Khodawandpur for the offences punishable under Sections 25 (1-A), 25(1-AA), 26/35 of the Arms Act, be released on bail on executing P.R. bond of Rs. 10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions :

(I) The applicant/accused should not extend any threat, promise or inducement to the



persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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