

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45043 of 2022

Arising Out of PS. Case No.-283 Year-2022 Thana- JAKKANPUR District- Patna

David Kumar, Son of Suresh Kumar, R/O Village- New Vighrahpur, P.S.-
Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Prem Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 The matter is being taken up on urgent motion slip filed by the learned counsel for the petitioner that the mother of the petitioner is suffering from Chronic Liver ailment and her treatment is going on at CMC, Vellore.

At the outset, learned senior counsel for the petitioner seeks permission to make necessary correction in the prayer portion of the petition.

Permission is accorded.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel for the petitioner and learned APP for the State.



The petitioner seeks regular bail, who is in custody in connection with Jakkanpur P.S. Case no. 283 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)/a/25(1)(a)(aa)/26(1)(2)/35 of the Arms Act.

The allegation against the petitioner is to be engaged in manufacturing of illegal arms. The police on the aforesaid information, conducted a raid in the house of the petitioner and various machines and tools have been recovered, which is said to have been used for the purposes of manufacturing of arms/ammunition. During the course of raid, various accused persons including the petitioner were apprehended from the premises.

Learned senior counsel for the petitioner submits that prima facie from the F.I.R., it is evident that the premises, in questions, from where the recovery has been made was a rented premises, duly rented out by the mother of the petitioner in the name of one Sonu Kumar Agrawal and in support of the submission Annexure- 2, a rent agreement has been brought on record. Learned senior counsel further submits that the petitioner has just completed his B.Tech degree from Haldia Institute of Technology, West Bengal and went to obtain M. Tech from National Institute of Technology, Jamshedpur and he



has also qualified GATE (Graduate Aptitude Test in Engineering) having a bright academic career. Learned senior counsel also drawn the attention of this Court towards the various sections, which are not applicable against the petitioner, who being the son of the owner of the premises, was not even aware as to what the renters were doing within the premises, which was rented out to them. He further submits that the petitioner was all along studying outside the State of Bihar and has no concern with any of the renter and even no payment towards the rent is to be made in the account of the petitioner. He lastly submits that the petitioner, having fair antecedent, is in custody since 29.05.2022, moreover, the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application and submits that a mini gun factory was running in the premises of the petitioner and his complicity cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the fact that the entire manufacturing work of arms and ammunitions was being done in the rental premises of which the mother of the petitioner is the owner and the petitioner having completed his B.Tech



degree and for his further betterment he was also all along in other State and having also a fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Patna in connection with Jakkanpur P.S. Case No. 283 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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