

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46573 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- MOTIPUR District- Muzaffarpur

MAHADEV THAKUR @ MAHADEV SHARMA S/o Late Raghunath
Thakur Resident of Village- Ratanpura, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav,Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary,Adv.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 16-12-2022 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Motipur P.S. Case No. 75/2022, registered for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

The allegation is regarding the informant along with other police personnel having conducted a raid in the house of the petitioner, whereupon they had recovered one loaded country made pistol and one live cartridge from the petitioner as well as two half built country made pistols, six pipes and other items used for



manufacturing arms from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 27.02.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other criminal cases, but in one case, he has been convicted and he has already served out the sentence while in the other case, he is on bail. It is further submitted that he is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP 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 petitioner and taking into account the materials available on record as also considering the fact



that one loaded country made pistol and one live cartridge has been recovered from the petitioner, apart from recovery of two half built country made pistols, barrels and other articles used for manufacturing arms, from the house of the petitioner, though I am not inclined to grant bail to the petitioner at the moment, but would direct for release of the petitioner on bail, upon framing of charges by the learned trial court, on such conditions as may be deemed fit and proper to be imposed by the learned court of Additional Chief Judicial Magistrate-II, Muzaffarpur (West) in connection with Motipur P.S.Case No. 75 of 2022.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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