

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62540 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- MIRGANJ District- Gopalganj

ABHISHEK KUMAR Son of Shivshankar Sah Resident of Village -
Manikpur, P.s.- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Mirganj P.S. Case No. 49 of 2021, GR No. 538 of 2021,
disclosing offence punishable under Sections 414 and 34 of the
Indian Penal Code and Sections 25(1-B) a, 26, 35 of the Arms
Act.

The petitioner is also an accused in Mirganj P.S.
Case No. 48 of 2021 for the offence punishable under Sections
364-A, 120-B and 34 of the Indian Penal Code relating to
kidnapping of a minor boy.

Considering the statement of the victim recorded
under Section 164 of the Cr.P.C., this Court had allowed the



petitioner privilege of regular bail by an order dated 07.01.2022, passed in Cr. Misc. No. 42556 of 2021 in connection with Mirganj P.S. Case No. 48 of 2021. Allegedly, during course of investigation of the said Mirganj P.S. Case No. 48 of 2021, the police had intercepted a *Scorpio* vehicle, which was occupied by three persons, from whose possession arms etc. was recovered. Further, allegedly, the occupants of the said vehicle named the petitioner as the one who had given them the fire-arms based on which the petitioner has been made accused in the present case. The petitioner is in custody since 18.03.2021.

Learned counsel appearing on behalf of the petitioner has submitted that since the petitioner's implication is based on the statement of the co-accused to the effect that the fire-arm was given by the petitioner to them, he deserves grant of regular bail as he is in custody since 18.03.2021.

After having gone through the FIR and considered the submissions advanced on behalf of the petitioner as noted above, in my opinion, a case for grant of regular bail is made out. This application is allowed.

Considering the above, this application is allowed.
Let the petitioner, above-named, be released on bail on



furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in Mirganj P.S. Case No. 49 of 2021, GR No. 538 of 2021.

(Chakradhari Sharan Singh, J)

Rajesh/-

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