

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67205 of 2021

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

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BIRENDRA THAKUR @ VIRENDRA THAKUR, Son of Late Narayan Thakur, resident of village-Gwalpara, Ward No. 2, P.S.-Gwalpara, District-Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 68195 of 2021

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

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ARPAN THAKUR @ ARPAN KUMAR, Son of Birendra Thakur alias Virendra Thakur, resident of village-Gwalpara, Ward No. 2, P.S., Gwalpara, District-Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 67205 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 68195 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard Mr. Rajesh Kumar Singh, learned Senior Counsel assisted by Mr. Shailendra Kumar Singh, learned



Advocate for the petitioners and Mr. Akhileshwar Dayal and Mr. Ashok Kumar Singh, learned A.Ps. for the State in both the applications.

With the consent of the parties, both the applications have been heard together.

Petitioners in the present case are seeking regular bail in connection with S.T. No. 219 of 2021 arising out of Gwalpara P.S. Case No. 90 of 2021 registered for the offences punishable under Section 25(1-AA), (1-B)a, (c), 26 of the Arms Act. They are in custody since 17.06.2021. They have no criminal antecedents.

As per the prosecution story, the informant who is a Police Officer conducted a raid after a secret information was received that these two petitioners who are father and son are running a mini gun factory in which they are making illegal country made weapons. In course of search, several incriminating articles as per seizure list attached with the F.I.R. have been recovered from that place which were in possession of these petitioners.

Learned Senior Counsel for the petitioners has tried to persuade this Court on the strength of the submission that these petitioners are blacksmith and to carry on their profession they



need to keep certain articles which are normally used in connection with their work. It has also been submitted that the place of recovery is situated in a market area and the seizure list witnesses are the two Choukidars, therefore, submission is that in the market area it is not possible to run a mini gun factory and the seizure list witnesses are not trustworthy.

On the other hand, learned A.P.Ps. for the State have opposed the prayer for bail of the petitioners. It is submitted that a bare look at the kind of recoveries made from the place of these petitioners would show that they were in fact running a mini gun factory. Attention of this Court has been drawn towards the seizure list which provides the description of the seized articles and that includes half built body barrel of country made Katta, the trigger which is used in country made Katta, magazine of country made pistol, instruments and raw materials which are used in manufacturing of the Katta.

Having regard to the submissions noted hereinabove and upon noticing the huge incriminating articles seized by the Police as per the seizure list present with the F.I.R., considering the gravity of the offences alleged and the severity of the punishment, this Court is not inclined to grant bail to the petitioners at this stage.



Let the trial be expedited.

All efforts be made by the learned trial court to conclude the trial as early as possible preferably within a period of nine months from the date of communication of this order.

If the trial still remains unconcluded for no fault on the part of the petitioners, they may renew their prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

