

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69409 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- KHUSRUPUR District- Patna

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MUKESH PATEL @ MUKESH KUMAR PATEL Son of Madan Mohan Patel
@ Madan Lal Patel Resident of Mohalla - Tedhi Ghat, P.S.- Khanjekalan,
Patna City, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2022 Heard.

The petitioner seeks regular bail in connection with Khusarupur P.S. Case No. 295 of 2020, registered for the offence punishable under sections 120(B)/34 of the Indian Penal Code and section 25(1-AA)/ 26(i)(ii)/35 of Arms Act.

The case of the prosecution in brief is that on 8.9.2020 the police received a secret information that in the godown of the co-accused persons namely Amrik Singh and Madhusudan Singh, situated at village Hardash Bigha, illicit arms are being manufactured in connivance with some outsiders, who had been hired. Thereafter the police is stated to have conducted a raid in the said godown and four persons were apprehended. A search was then made and equipment used for manufacturing arms and half manufactured arms were recovered. The co-accused



persons namely Md. Sakil was arrested from the spot who disclosed the names of other persons including that of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 15.09.2021. The learned counsel for the petitioner has submitted that the petitioner has been remanded in the present case on 8.4.2021. It is also submitted that the petitioner has been made an accused in the present case only because he is an accused in two other cases. Lastly it is submitted that neither the petitioner has been arrested from the spot nor any incriminating/ illicit arms have been recovered from the possession of the petitioner.

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 parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor illicit articles/ arms have been recovered from him apart from the fact that he is languishing in custody since about eight months, I deem it fit and proper to admit the



petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate 1, Patnacity in connection with Kkhusharupur P.S. Case No. 295 of 2020.

(Mohit Kumar Shah, J)

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