

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8069 of 2022

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

SONU KUMAR @ SUNNY KUMAR @ SUNNY Son of Shailendra Yadav
@ Shalendra Yadav Resident of Village- Jhanjhari, Police Station - Gwalpara,
District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State, Ms. Nirmala
Kumari.

The petitioner seeks regular bail in
connection with Gwalpara P.S. Case No. 90/2021
(S.T.No. 219 of 2021), registered for the offence
punishable under Section 25(1AA), (1-B)(a)(c) and
26 of the Arms Act.

The case of the prosecution, in brief, is that
the informant along with his police force had
conducted a raid at the shop of the co-accused
persons, namely, Birendra Thakur and Arpan
Kumar, whereupon huge quantity of arms / semi



constructed pistol, barrels, welding machine and other articles used for manufacturing arms were recovered. It is further alleged that upon interrogation being made, the aforesaid two co-accused persons had named the petitioner to be the person, who used to purchase arms from the said two co-accused persons.

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 1.7.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in six other cases, but he is on bail in all the said six criminal cases. The learned counsel for the petitioner has further submitted that no illicit arms / semi constructed arms / materials used for manufacturing arms have been recovered from the conscious possession of the petitioner or from his house and he has been falsely implicated in the present case. It is also submitted that the petitioner has not been



apprehended from the spot and he has got nothing to do with the said two accused persons from whose shop huge quantity of arms / semi constructed arms have been recovered.

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 materials available in the case diary, it is apparent that the main accused of the present case are the aforesaid two co-accused persons, namely, Birendra Thakur and Arpan Kumar, from whose shops illicit arms / semi constructed illicit arms have been recovered, apart from the fact that no recovery has been made from the petitioner and he is languishing in custody since 1.7.2021, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the above named petitioner is



directed to be enlarged 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 learned Additional Sessions Judge-VII, Madhepura in connection with S.T.No. 219 of 2021/ Gwalpara P.S. Case No. 90/2021.

(Mohit Kumar Shah, J)

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