

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16547 of 2023

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

Birendra Thakur @ Virendra Thakur Son of Late Narayan Thakur Resident of
Village- Gwalpara, Ward No. 2, PS- Gwalpara, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for 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 Sections 25(1-AA), (1-B)a, (c) and 26 of the Arms Act. He is in custody since 17.06.2021. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the informant, a Police Officer, conducted a raid upon receiving a secret information that this petitioner is running a mini gun factory in which illegal country made weapons are being made. 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 the petitioner.

4. Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 16.05.2022 passed in Cr. Misc. No. 67205 of 2021 with an observation that if the trial remains unconcluded for a period of nine months for no fault on the part of the petitioner, he may renew his prayer for bail.

5. Learned counsel submits that the petitioner is in judicial custody since 17.06.2021, therefore he has already spent two and a half years in custody but till date only two prosecution witnesses have been examined and the trial is not likely to be concluded in near future.

6. Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the nature of allegation, observation of this Court, the period already spent in judicial custody and there being no hope of early conclusion of the trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VIII, Madhepura in connection with Gwalpara P.S. Case No. 90 of



2021, subject to the condition as laid down under Section 437
(3) Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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