

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19545 of 2022

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

ADITYA KUMAR @ BABLA S/O BIRO YADAV @ JANARDAN YADAV
R/o village- Dhuriya, Ward No.- 9, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

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, 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 four other cases, but he is on bail in all the said four 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 shops 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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