

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21485 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- KORHA District- Katihar

Deepak Kumar S/O Gabbar Chaudhary Resident of Village- Hardiyaganj,
P.S.- Katihar, Sahayk District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Korha P.S. Case No. 91 of 2021 registered on
24.02.2021 for the alleged offences under Sections 25(1-b)a/26/35
of the Arms Act.

04. As per prosecution case, the police received
information about suspicious activities of two persons, who were
surrounded and apprehended. Petitioner and co-accused Rahul
Kumar are the apprehended persons. From the possession of co-
accused Rahul Kumar, a loaded country made pistol with one live
cartridge was recovered. Nothing was recovered from this



petitioner.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that no recovery has been made from this petitioner, who was arrested merely on suspicion as he is said to be accompanying a person who was having possession of firearms and ammunition. Moreover, the co-accused Rahul Kumar has been granted bail by a Co-ordinate Bench vide order dated 22.02.2023 passed in Criminal Misc. No. 63287 of 2022 and the case of the petitioner is on much better footing. The petitioner is in custody since 25.02.2021 and charge-sheet has been submitted. The petitioner has got one criminal antecedent.

06. Learned APP for the State concedes that no recovery of any firearms or incriminating article has been shown from this petitioner.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery of any incriminating article has been shown from this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 91 of 2021 subject to the



conditions mentioned in Section 437(3) of the Cr.P.C.

08. I find it very surprising that the learned Additional Sessions Judge-IV, Katihar, rejected the bail petition of this petitioner while it was on record that no incriminating article was recovered from the petitioner. It shows complete non application of mind on his part. Rejection of bail petitions in this casual manner is a big cause for huge pendency of bail petitions before this Court.

09. Let the matter be placed before Hon’ble the Chief Justice for its consideration on administrative side.

(Arun Kumar Jha, J)

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