

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29074 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- DESARI District- Vaishali

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KUNAL KUMAR Son of Arun Ray Resident of village - Chakaushan Kargil
Chowk, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Desari (Sahdei O.P) P.S. Case No. 186 of 2021, registered for the offence punishable under Sections 25(1-b)a, 26, and 35 of the Arms Act.

The allegation is regarding the informant having received secret information that some accused persons have assembled near Dumari Bajitpur High School and were preparing to commit some crime, whereafter the informant along with his police force had reached at the spot



and had apprehended one Jitu Kumar Singh, from whose possession, one country made loaded pistol, two life cartridges and two mobiles were recovered. It is also alleged that the said Jitu Kumar Singh, upon interrogation, had disclosed the names of the persons, who had fled away and one of them is stated to be the petitioner herein.

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 20.07.2021. It is submitted that though the petitioner was arrested in connection with one another case bearing Hajipur Sadar P.S.Case No. 502/2021 on 26.5.2021, however, he has been remanded in the present case on 20.7.2021. It is also submitted that as far as the present case is concerned, the petitioner is not having any complicity in the matter, inasmuch as neither any illicit arms have been recovered from the petitioner nor he has been alleged to have committed some crime.



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 nature of allegations levelled against the petitioner, I deem it fit and proper to direct for release of the petitioner on regular 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 Judicial Magistrate, 1st class, Vaishali at Hajipur in connection with Desari (Sahdai O.P) P.S. Case No. 186 of 2021.

(Mohit Kumar Shah, J)

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