

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40154 of 2023

Arising Out of PS. Case No.-105 Year-2021 Thana- MORKAHI District- Khagaria

Hemant Kumar Son of Nandkishor Yadav Resident of Santosh Ps Alouli
District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 28.09.2021 in connection with Morkahi P.S. Case No. 105 of 2021 for the offence punishable under Sections 25(1-b)AA, 26(1)(2)/35 of the Arms Act lodged on 26.8.2021 by the informant, Rajiv Kumar.

The prosecution story, in brief, that case of the prosecution on the basis of written self statement of informant, S.H.O. Morkahi P.S. as he got an information from ST.F. S.O.G.-1, Patna that one accused namely Khurshid Alam had divulged regarding running a Mini Gun Factory and also regarding sale and purchase of firearms. After complying with necessary formalities, he along with his police team along with police team of Chitragupta Nagar PS police, they reached there



at about 15.00 hrs. raided at the alleged place but all accused persons managed to escape. Police identified them on basis of names given by Khurshid Alam and Mahal Choukidar as (1) Md. Sakim (2) Nand Kishor Yadav (3) Pappu Yadav @ Raja Kumar (4) Hemant Kumar, Nitish Kumar. The "Dera" of Nand Kishor Yadav was searched in presence of F.I.R. named witnesses and a huge recovery of firearms and its manufacturing equipments were recovered/seized.

It has been contended by the learned counsel for the petitioner that he was not arrested from the spot, he is student, young boy of 20 years entire family members has been roped in the victim.

The last submission is that he has already suffered by being custody since 28.09.2021(as stated is the para 6 in the bail application).

Learned APP opposes the prayer stating that after the police raided the house the number of arms and ammunitions were recovered/ seized.

Taking into account the fact that the petitioner was not arrested from the spot he is 20 years of age and remain in custody since 28.09.2021.This Court is inclined to extend him the privilege of bail with conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the Court of S.D.J.M., Khagaria, in connection with Morkahi P.S. Case No. 105 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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