

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62754 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- CHAUTHAM District- Khagaria

ABHISHEK KUMAR Son of Mr. Vindeshwari Sharma R/o vill - Pirpahari
Terasi, P.S. - Muffasil, Distt. - Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-AA), 26(I) (II) and 35 of the Arms Act.

As per allegation in the FIR, on getting information that accused Sulen Choudhary with his associate was manufacturing illegal weapons in his 'Basa' the police party went at his Basa and on seeing the police party two persons tried to escape from there but one was apprehend who disclosed his name as Sulen Choudhary and revealed the name of escaped person as petitioner. On search, one mobile in which mobile number of the petitioner was saved as Abhishek bhai, one



country made pistol, two half formed country made pistols, iron cutting instrument and other articles relating to manufacturing of weapons were recovered from the Basa of the co-accused Sulen Chaudhary.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. He has no concern with the apprehended co-accused or with the said Basa from where the alleged arms were seized by the police. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession or property. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The co-accused Sulen Choudhary, who was allegedly apprehended on the spot, has already been enlarged on bail by this Court vide order dated 07.08.2023 passed in Cr. Misc. No.16403 of 2023 which is annexed as Annexure-2 of this petition. Moreover, the petitioner is languishing in judicial custody since 26.04.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chautham P.S. Case No. 310 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

