

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69691 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- KHAGARIA District- Khagaria

Prabhakar Kumar, son of Lal Bahadur Yadav, resident of village- Kanp, P.S-
Sour Bazar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria Muffasil P.S. Case No. 138 of 2023, registered for the alleged offences under Section 414 of the Indian Penal Code and Section 25 (1-AA), 26, 35 of the Arms Act.

3. As per prosecution case, police received information about smuggling of firearms and ammunitions in a vehicle and the identified vehicle was intercepted and recovery of three country made *Katta*, 200 live cartridges of 8 MM KF, 200 live cartridges of 7.65 MM KF and Rs.74,000/- were made from a secret compartment in the vehicle. The petitioner and co-accused Kunal Kumar were apprehended, who were sitting in the vehicle and driving the vehicle, respectively. From their



possession, three mobile phones were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the co-villager of co-accused Kunal Kumar and the co-accused Kunal Kumar is the owner of the vehicle from which recovery has been made. The petitioner took lift from the vehicle and was having no knowledge about the arms and ammunitions being carried in the vehicle. The co-accused Kunal Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 19.09.2023 passed in Cr. Misc. No.40601 of 2023. The learned counsel further submits that charges have been framed in this case and the petitioner is in custody since 11.02.2023.

5. Learned A.P.P. vehemently opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner was apprehended while smuggling a huge quantity of arms and ammunitions and the petitioner is having criminal antecedent.

6. At this stage, learned counsel for the petitioner submits that the petitioner has been made an accused in Saur Bazar P.S. Case No.59 of 2023 in which he has been enlarged on bail.



7. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner coupled with the fact of grant of bail to the co-accused-owner of the vehicle, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 138 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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