

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75046 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- GWALPARA District- Madhepura

Abhishek Kumar Singh @ Sonu @ Abhishek Singh Son of Mukesh Kumar Singh @ Mukesh Kumar Singh Anand R/V- Sahpur, P.S- Gwalpara, Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 15-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Gwalpara P.S. Case No. 90 of 2021 dated 16.06.2021 registered for the offences punishable under Sections 25 (1AA), (1-B)a, (c) and 26 of the Arms Act.
3. The main submissions advanced by learned counsel for petitioner are that in the present matter the main allegation is against co-accused Birendra Thakur and his son Arpan Thakur who were allegedly running a mini gun factory in their house and as per allegation the house of the said co-accused persons was raided from where several illegal weapons including half manufactured weapons and other equipments used in manufacturing of the said weapons were recovered but the

petitioner was not apprehended at the spot and his name was disclosed by the arrested co-accused persons and according to them, this petitioner and some other co-accused persons indulged in purchasing of the alleged fire-arms from the arrested co-accused persons but except the said statement, there is no any other material against this petitioner to connect him to the alleged gun factory and moreover, the said statement of the co-accused was made before the police which is not admissible. Further submissions are that the petitioner has been languishing in jail since 01.07.2021 though, against him there are criminal antecedents of ten cases but he is on bail in all the said cases and against petitioner the investigation has been completed in the present matter. It is further submitted that regarding the factum of petitioner's bail in the cases of criminal antecedents, no details has been given in the paragraph no. 3 of the petition, but in this regard submission has been made before this Court.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the alleged mini gun factory was found in the house of co-accused persons namely, Birendra Thakur and his son Arpan Thakur and petitioner was not apprehended from the alleged

place and his name came into light in the statement of said arrested co-accused persons, except this and criminal antecedents of this petitioner, there is no any other material against this petitioner and he has been languising in jail since 01.07.2021 and against him the investigation has been completed in the present matter, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Gwalpara P.S. Case No. 90 of 2021.

(Shailendra Singh, J)

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