

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52737 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- HASANPUR District- Samastipur

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MUKESH KUMAR SON OF UMESH SAH RESIDENT OF VILLAGE -
NISTA HARIPUR, P.S. - ALLOULI, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-11-2024 Heard Mr. Santosh Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Murli Dhar,

 learned APP for the State.

2. Petitioner seeks regular bail in connection with
Hasanpur P.S. Case No.39 of 2023 registered for the offences
punishable under Sections 25(1-B)(a), 25(1-AA), 25(1-A),
26(1)(2)/35 of the Arms Act.

3. As per the allegation made in the FIR, petitioner
has been found to be engaged in manufacturing and sale of
illegal arms. Name of the petitioner has been disclosed by co-
accused Rajesh Kumar from whose shop, instruments involved
in manufacturing of arms were recovered.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Rajesh Kumar, and confessional statement made before police has no evidentiary value in the eye of law. Nothing was recovered from the conscious possession of the petitioner. Similarly situated co-accused Md. Miraj, Md. Mumtaz Alam @ Munna, Md. Salim @ Vikky, Rajesh Mandal and Md. Samsheruddin have already been granted bail by different co-ordinate Benches of this Court vide Annexure 3 series and the main accused Rajesh Kumar, from whose shop, instruments involved in manufacturing of arms were recovered, has also been granted bail by a co-ordinate Bench of this Court *vide* order dated 27.02.2024 passed in Cr. Misc. No.48412 of 2023. Petitioner is in custody since 10.05.2024.

5. Learned APP appearing for the State opposes the bail prayer.

6. In the facts and circumstances of the case, the learned District Court is directed to release the petitioner, above named, on the similar terms as contained in order dated 27.02.2024 passed in Cr. Misc. No.48412 of 2023 in connection with Hasanpur P.S. Case No.39 of 2023.

7. The learned District Court is directed to verify the



criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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