

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48412 of 2023

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

Rajesh Kumar Son of Raja Ram Mahto Resident of Village- Pirauna, Ps-
Hasanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ugranath Mallik, Advocate Mr. Lalitesh Mani, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Hasanpur P.S. case No. 39 of 2023 instituted for the offences under Sections 25(1-B)(a)/25(1-AA)/25(1-A)/26(1)/26(2)/35 of the Arms Act.

3. As per the F.I.R., police got secret information that this petitioner is indulged in manufacturing and selling of illegal arms. Accordingly, police raided the shop of the petitioner and apprehended seven persons including this petitioner. On search, police recovered the semi-manufactured incriminating articles like pistol's barrel 39 pieces, pistol's grip 20 pieces, pistol 20



pieces, grander machine, wielding machine, cutter pipe etc.
from the said mini gun factory.

4. Learned counsel for the petitioner submitted that the petitioner has no concern the recovered articles. Petitioner has been falsely implicated in this case merely because he happens to be the owner of the shop from where the alleged recovery has been made. Petitioner has no concern with the shop as he has given the said shop to one Mukesh Kumar on rent. Learned counsel further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. Charge-sheet has already been filed in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.02.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of Court below/concerned Court in connection with Hasanpur P.S. case No. 39 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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