

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79881 of 2023

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

Arpan Thakur @ Arpan Kumar, Son of Birendra Thakur @ Virendra Thakur,
R/O Gwalpara, Ward No.- 2, P.S.- Gwalpara, District - Madhepura (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking regular bail in connection with S.T. No. 219 of 2021 arising out of Gwalpara P.S. Case No. 90 of 2021 registered for the offences punishable under Sections 25(1-AA), (1-b)a, (c), 26 of the Arms Act. He has no criminal antecedent and is in custody since 17.06.2021.

3. Earlier, his prayer for bail was rejected by this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 68195 of 2021 with an observation that if the trial remains unconcluded for no fault on the part of the petitioner, he may renew his prayer for bail. In fact, by the said order, two criminal miscellaneous applications were rejected. One of them was of one Birendra Thakur @ Virendra Thakur vide Cr. Misc. No. 67205 of 2021.

4. Learned counsel for the petitioner has placed before this Court a copy of the order dated 22.12.2023 passed in Cr. Misc. No. 16547 of 2023 by which Birendra Thakur @ Virendra Thakur has been granted bail by this Court taking note of the fact that he had been in custody since 17.06.2021 but the trial was not likely to be concluded in near future.

5. Learned counsel submits that this petitioner has remained in custody for more than three years but at this stage, even half of the prosecution witnesses have not been examined.

6. From the materials on the record, it appears that as per the prosecution story, this petitioner and his father both were allegedly found involved in making illegal country-made weapons. They had taken a plea that they are blacksmiths and in order to carry on their profession, they need to keep certain articles which are normally used in connection with their work.

7. Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that this case would be standing on the similar footing with the case of Birendra Thakur @ Virendra Thakur who has already been granted bail by this Court.

8. Having regard to the aforesaid facts and circumstances of the case wherein this petitioner is in jail for

more than three years but even half of the witnesses have not been examined, co-accused similarly situated has already been granted bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Madhepura in connection with S.T. No. 219 of 2021 arising out of Gwalpara P.S. Case No. 90 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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