

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84576 of 2023

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

Mukesh Kumar aged about 30 years (male) son of Umesh Sah, resident of village- Nista Haripur, P.S-Allouli, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Santosh Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Satya Nand Shukla, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Hasanpur P.S. Case No. 39 of 2023, registered for the offence 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 been surfaced on the basis of confessional statement made by co-accused Rajesh Kumar, which has no evidentiary value in the eye of law. Nothing was recovered from the conscious possession of the petitioner. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the complicity of the petitioner in sale and manufacturing of arms cannot be denied, I am of the opinion that no coercive step shall be taken against the petitioner for a period of six weeks and, thereafter, within the aforesaid period, petitioner may surrender before the learned District Court and pray for regular bail.

7. The learned District Court is directed to consider the regular bail of the petitioner on the basis of evidences collected in course of investigation.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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