

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33792 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -BARIYARPUR District- MUNGER

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Dipak Sharma Son of Garbhu Sharma resident of village - Sadipur, Police
Station Kotwali, District - Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Meena Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Bariarpur P.S. Case No. 37/16 for offences alleged under Sections
25(1-b) a/26/35 of the Arms Act.

Allegation is that informant along with police
officials raided the house of one Sonu @ Govinda Sah and
recovered one carbine along with 16 live cartridges from him.
Apprehended accused disclosed that the said carbine has been
purchased by the petitioner.

It has been submitted by the learned counsel
for the petitioner that he is innocent and has falsely been
implicated in the aforesaid case. He submits that it was on the



confessional statement of the apprehended Sonu @ Govinda Sah that the petitioner has been implicated as engaged in dealing with illegal arms. He further submits that no incriminating article has been recovered from his possession nor has he been apprehended by the police and except for the confessional statement of the said Sonu, there is no material against the petitioner. It has further been submitted that petitioner undertakes to cooperate with the investigation and will not tamper with the evidence of the prosecution nor will abscond.

However, learned APP for the State submits that the petitioner has been named by the co-accused for having dealing with illegal arms, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with G.R. Case No. 559/16, arising out of Bariarpur P.S. Case No. 37/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that since the petitioner is involved in a case of similar nature, if in future, he is

found to have indulged in a case of similar nature, the court below will be at liberty to cancel his bail bonds without being prejudiced with this order. Petitioner will also appear before the police/ court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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