

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26177 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- CHAPRA TOWN District- Saran

RAJAN SHARMA, aged about 22 years, Male, Son of Late Rajendra Sharma,
Resident of Village- Chota Telpa Rawal Tola, Police Station- Chapra Town,
District- Saran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Prabhat, Adv.

For the Opposite Party : Mr. Manoj Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
10.01.2019 in connection with Chapra Town P.S. Case No. 18 of
2019 for the offences alleged under Sections 25(1-b)a, 25(1-
AA), 26(i)(2) and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that in the house of one
Raju Sharma illegal arms are being manufactured, raid was
conducted, four persons, including the petitioner, were
apprehended and on search large number of apparatus for
manufacturing arms and unfinished arms and ammunitions and
four country made pistols were recovered. Accordingly, a
seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He had come to the joint house for settling the dispute amongst brother and has been apprehended in the meantime. It is, further, submitted that charge sheet has been submitted, there being no allegation of tampering with the prosecution witnesses/evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that huge quantity of unfinished arms and ammunitions and articles used in manufacturing arms and ammunitions have been recovered along with four country made pistols and cartridges.

Considering the nature of allegations, the period of custody and that charge sheet has already been submitted coupled with the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Chapra Town P.S. Case No. 18 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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