

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40377 of 2019**

Arising Out of PS. Case No.-116 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

RAJESH SHARMA Son of Laxuman Sharma @ Lakshman Sharma Resident
of Village - Jagdishpur, P.S. - Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

3 28-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 25(1-b)a, 25(1-AA), 26 and 35 of the Arms Act registered in connection with Kudra P.S. Case No. 116 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on the extra judicial confessional statement of arrested accused Anup Tiwary in connection with Kudra P.S. Case No. 108 of 2019, except which there is no objective material to connect the petitioner with the alleged occurrence. It is submitted that from the FIR itself it is evident that whatever has been recovered from the house of the petitioner are in the nature of carpentry tools and materials etc. and as such the accusation that the petitioner was manufacturing fire arms is not corroborated. Neither any fire arm nor any cartridge or semi-finished arms have been recovered from the petitioner. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned ACJM VI, Kaimur at Bhabua in connection with Kudra P.S. Case No. 116 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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