

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25328 of 2021**

Arising Out of PS. Case No.-664 Year-2020 Thana- KHAGARIA District- Khagaria

ANIL KUMAR SHARMA @ RIKKU SHARMA SON OF LAKSHMAN
SHARMA R/O VILLAGE- MAK SUSPUR, P.S.- KASIM BAZAR,
DISTRICT- MUNGER.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. M.N. Parbat, Senior Advocate. Mr. Abhay Kumar Singh, Advocate.
For the State	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 15-12-2021 The applicant/accused in Crime No.664 of 2020 registered with Police Station-Khagariya for the offences punishable under Sections 25(1-AA)/26(i)(ii)/35 of the Arms Act, by this application is seeking his release on bail during the pendency of the trial after filing of the charge-sheet.

Heard learned Senior counsel appearing for the applicant/accused. By drawing my attention to the recital in the F.I.R. regarding running of the establishment of manufacturing the arms illegally by the applicant, it is argued that witness Aman Kumar who happens to be the grandson of the landowner is belying the case of the prosecution by stating that the premises were let out to one Sudhakar Kumar. It is further argued that co-accused with identical case including landowner Deep



Narayan Prasad Singh are already released on bail. Therefore, further pretrial detention of the applicant is not warranted.

Learned A.P.P. opposed the application by contending that after due sanction, the accused persons are charge-sheeted and the applicant was running the establishment which was manufacturing the arms illegally.

I have considered the submissions so advanced and also perused the materials placed before me.

The First Information Report was lodged by Police Officer Ranjeet Kumar. He reported that in the raid conducted on 08.09.2020, after receipt of secret information regarding manufacture of arms illegally, it was noticed that six persons were doing the work of manufacturing the arms with the help of machine. The applicant is stated to be one of them who was apprehended on the spot of the incident. Other co-accused including Santosh Kumar, Md. Taslim, Md. Miraj and Md. Salim are granted bail by the coordinate Benches of this Court and those bail orders are placed on behalf of the applicant. The statement is made across the bar that the landowner Deep Narayan Prasad Singh is already directed to be released on bail by the learned Sessions Judge. Except confessional statement to police by the applicant that he is doing the work of manufacture



of the firearms illegally, prima facie, there is no other materials to connect the applicant in the crime in question.

The investigation of the crime in question is already over. Hence, further pretrial detention of the applicant is not warranted. Therefore, the following orders

(i). The application is allowed.

(ii). The applicant/accused in Crime No.664 of 2020 registered with Police Station-Khagariya for the offences punishable under Sections 25(1-AA)/26(i)(ii)/35 of the Arms Act, be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be



involved in commission of similar offence, the State
is at liberty to apply for cancellation of bail granted
to the applicant in the instant case.

The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the appellant/accused.

(A. M. Badar, J)

P.S./-

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