

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29404 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- BIHARIGANJ District- Madhepura

Kailash Sharma S/o- Late Satya Narayan Sharma Resident of Village - Saroni
(Sarauni), Ward No. -11, P.S. - Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Bihariganj P.S. Case No. 83 of 2020 instituted for the offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.06.2020, charge-sheet has been submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the police on information reached the house of Kailash Sharma (petitioner) who was making illegal arms for selling with his family members and on seeing the police, the petitioner along with his family members fled away and thereafter in presence of witnesses, the house was searched and one country-



made pistol along with eight cartridges and some other articles like knife, mobile and Aadhar Card etc. were recovered.

Learned counsel for the petitioner submits that F.I.R. is dated 28.03.2020 but the same was sent to the court after nearly a month as it was seen by the learned A.C.J.M. on 28.04.2020, this amply demonstrates that the petitioners have been falsely implicated by the informant or else the F.I.R. would have been kept in the police station for so long.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 22.06.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Shri Abhimanyu Kumar, J.M.F.C. Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 83 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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