

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23584 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- PARSA District- Saran

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Vikash Sharma, S/o Baij Nath Sharma, Resident of Village-Bisunpura, P.S.-
Parsa, District-Saran, At present-Chetan Parsa, Market Road, P.S-Parsa,
District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-01-2021 Heard learned counsel for the petitioner and Ms.
Suman Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Parsa P.S. Case No.357 of 2019
registered for the offences punishable under Sections 25(1-AA),
25(1-B), (4) (C) 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per
the First Information Report the police party got some secret
information that the petitioner and co-accused are involved in
manufacturing of arms. On such information, the police party
reached at the Dalan of Baij Nath Sharma and conducted a raid
in presence of the members of the raiding party. As per the First
Information Report police recovered one country made pistol



lying under the bed from the Dalan and several other articles suggesting that those were being used for manufacturing of arms.

Learned counsel submits that the Dalan is an open place and so far as this petitioner is concerned, no witness has supported the allegation that he is engaged in manufacturing of arms. He submits that in paragraph '3' of the application a statement has been made that the petitioner has got one criminal antecedent being Parsa P.S. Case No.40 of 2012 under Section 25(1-AA), 26 and 35 of the Arms Act.

Ms. Suman Kumari Singh, learned APP for the State submits that the country made pistol and several incriminating articles suggesting that the accused were engaged in manufacturing of arms have been recovered. It is further submitted that Baij Nath Sharma who is father of this petitioner has been engaged in manufacturing of arms and it has come in the case diary that in this connection he has earlier been arrested also. He is non-F.I.R. accused in this case.

Having regard to the facts and circumstances of the case, in view of the recovery of fire-arms and other incriminating articles from the Dalan of the petitioner as also considering that the petitioner has got one criminal antecedent of



similar nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today it will be open for him to take all such pleas which are available to him and the learned court below shall consider his prayer for regular bail without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

