

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1654 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- SIWAN CITY District- Siwan

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MUKTINATH SHARMA, SON OF RAMJEE SHARMA, Resident Of
Village - Barhan Gopal, P. S. - Muffasil, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-03-2021 Heard Mr. Krishna Kant Singh, learned Counsel for

the petitioner and Mr. Kalyan Shankar, learned Additional

Public Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Siwan Town Police Station Case No. 300 of 2020, disclosing
offences under Sections 25(1-a)/26/35 of the Arms Act.

The allegation, as per the First Information Report
is that house of the petitioner was raided and police recovered
illegal three desi katta (gun), barrel of pistol, empty magazine,
one empty rifle magazine, one 12 bore bullet, one cartridge,
one .315 bore cartridge, unfinished arms and huge quantity of
raw material of manufacturing of arms and ammunitions were
found and seized and seizure lists were prepared.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with ulterior motive. Learned counsel further submits that from perusal of the seizure list, it would be evident that signature of the family members of the petitioner was not there. Learned counsel next submits that FIR was lodged on 25.07.2020 at about 3:00 P.M. but number of the FIR has been mentioned in the seizure list which creates doubt about the seizure.

On the other hand, learned counsel for the State vehemently opposes the prayer for bail and submits that huge quantity of arms and ammunitions along with materials for manufacturing of illegal arms have been recovered from the house of the petitioner and the petitioner along with other accused persons have been arrested with the fire arms and the petitioner appears to have indulged in the trade of illegal arms which would be evident from the confessional statement of the co-accused, Babloo Sharma, which has been made part of FIR.

Having regard to the submissions made by the parties and taking into consideration the nature of allegation and the



fact that cache of fire arms have been recovered from the house of the petitioner, I am not inclined to grant regular bail to the petitioner and accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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