

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67030 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- GWALPARA District- Madhepura

1. ASHOK SHARMA S/o Late Chotkan Sharma R/o Village- Shahpur, Ward No.09, P.S.- Gwalpara, District- Madhepura.
2. Sujeet Kumar S/o Nageshwar Sharma Resident of Village- Shahpur, Ward No.09, P.S.- Gwalpara, 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. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that one Surendra Sharma had instituted Gwalpara P.S. Case No. 56 of 2020 under Sections 25(1-B)A and 26 of the Arms Act against Bablu Sharma in which the present petitioners were witness on the FIR. After investigation, it was found that Surendra Shrama had instituted a false case against Bablu Sharma, thus, the present case came to



be instituted against Surendra Sharma and the present petitioners.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR of Gwalpara P.S. Case No. 56 of 2020, it would manifest that Surendra Sharma alleges that Bablu Sharma was disturbing the soiling work on which a Halla was raised and he snatched the arms from Bablu Sharma and thereafter people gathered. It is submitted that since the petitioners had seen Surendra Sharma carrying the gun so he caught the same must have been snatched from Bablu Sharma, as such, he became a witness on the FIR. It is next submitted that even presuming what has been alleged against the petitioners to be true without admitting then the allegation is not of recovery of any arms and ammunitions from the possession of the petitioners.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gwalpara P.S. Case No. 148 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Petitioners should be careful in future that they should not become party to such proceeding whereas they are not witness.

(Satyavrat Verma, J)

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