

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19452 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- OBRA District- Aurangabad

Prabhu Sharma @ Prabhu Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2023 As prayed for, typographical mistake in paragraph No. 3 of the application is permitted to be corrected by learned counsel for the petitioner in the course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail in connection with Obara P.S. Case No. 492 of 2022, registered for the offences punishable under Sections 25 (I-b) a, 26 and 35 of the Arms Act.

As per the prosecution case, there has been recovery of one loaded country-made pistol and one live cartridge from the house of the co-accused Ranjan Kumar. The co-accused Ranjan Kumar stated that the seized arms, which were recovered from his house was given to him by the co-accused



Bittu Kumar. It was disclosed that the said recovered country-made pistol was used in robbery by him alongwith petitioner and co-accused Salendra Kumar alias Guruji.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. There is no recovery of any arms or cartridge from the conscious possession of the petitioner and he has been implicated only on the basis of the confessional statement of co-accused, namely, Ranjan Kumar which has got no evidentiary value in the eyes of law. Petitioner is in jail custody since 20.01.2023. He further submits that similarly situated co-accused, namely, Bittu Kumar has already been granted regular bail vide order dated 11.05.2023 in Criminal Misc. No. 16741 of 2023 by a Co-ordinate Bench of this Court.

Learned APP for the State has opposed the prayer for regular bail of the petitioner and stated that he has two criminal antecedent.

Considering the facts and circumstances of the case let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daud Nagar, Aurangabad,



Bihar in connection with Obara P.S. Case No. 492 of 2022.

(Sunil Dutta Mishra, J)

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