

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21963 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- KASIMBAZAR District- Munger

BABLU SHARMA S/O Ashwani Sharma R/O Mohalla- Sandalpur, (Rental house of Madan Yogi), P.S- Kasim Bazar, Distt.- Munger, Permanent Address- Maniya Chauraha, near Vishwakarma Mandir, P.S- Kasim Bazar, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarkeshwar Pd. Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Kasim Bazar P.S. Case No.259/2022, registered for offence punishable u/s 25(1-A), 25(1-AA), 25(1-B)A, 26(i)(ii), 35 of the IPC.

As per the prosecution case, one mini gun factory was running in the house of one Madan Yogi in village Sandalpur and petitioner's family has been residing on rent in the said house and at the time of alleged raid, the wife of co-accused and her two children were found in the house.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner was not apprehended on the spot rather he is the brother of the apprehended co-accused Dablu Kumar Sharma. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has one criminal antecedent and father of the Dablu Kumar Sharma namely Ashwani Sharma @ Ashwani Vishkarma was granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc.23162 of 2023.

Learned APP for the State opposed the prayer for bail by submitting that the co-accused was granted bail but there is difference in both the cases as the co-accused, who was granted anticipatory bail had no criminal antecedent u/s 302 IPC whereas the present petitioner has an antecedent u/s 302 IPC and that co-accused was not residing in the house from where recovery was made.

Having regard to the facts and circumstances of the case and considering the nature of allegation, since petitioner is involved in the alleged occurrence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail



on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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