

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23162 of 2023

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

Ashwani Sharma @ Ashwani Vishkarma S/O Late Kamal Kishore Sharma
Resident of Village- Sandalpur, (rental house of Madam Yogi), P.S.- Kasim
Bazar, District- Munger, Permanent Addrss- Maniya Chauraha Near
Vishwakarma Mandir, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Kasim Bazar
P.S. Case No.259 of 2022, registered for offences
under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(i)
(ii), 35 of the Arms Act.

It is alleged that the informant, upon
receiving information that one Dablu Kumar
Sharma is running a mini gun factory in a rented
house of one Madan Yogi, had gone to the said
place of occurrence along with his police force and
had arrested Dablu Kumar Sharma, whereafter a



search was conducted in his house and huge quantity of articles used in manufacturing of illegal arms were seized. It is also alleged that the petitioner is the father of said Dablu Kumar Sharma and he is running the said mini gun factory, jointly with his son Dablu Kumar Sharma.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioner has also submitted that neither the petitioner was arrested from the spot nor he has any connection with the said mini gun factory, inasmuch as he is not staying at the said rented house being used by his son Dablu Kumar Sharma and he is staying separately, hence he be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no articles used for manufacturing of illegal arms have been recovered either from the possession of the petitioner or his house, apart from the fact that it is the categorical averment of the petitioner that he is staying separately from his son, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No.259 of 2022, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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