

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40751 of 2023**

Arising Out of PS. Case No.-1000 Year-2022 Thana- NATHNAGAR District- Bhagalpur

GUDDU SHARMA @ ANAND @ ANANDJI S/O LATE DEVI SHARMA
R/O VILLAGE- ZARBEHRA, BASUDEOPUR, PS. KOTWALI
(BASUDEOPUR O.P.), DISTT. MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Nathnagar P.S. Case No. 1000 of 2022 corresponding to the Sessions Trial No. 419 of 2023 registered for the offences under sections 25(1-B)a, 25(1-AA), 25(1-A), 26(1)(2) and 35 of the Arms Act lodged on 23.12.2022 by the informant, Md. Khalikuzma.

As per the prosecution story, the police reached Nathnagar Railway Station and saw two persons standing there, they were Sanjay Kumar and Guddu Sharma (the petitioner herein). Further, from Sanjay Kumar 18 unfinished pistol and from this petitioner 2 unfinished pistol were recovered/seized.



On their confession, the house of Md. Faisal was raided and the factory of such production was found. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he has been falsely implicated in this case and in any case, it was an unfinished revolver for which he has already suffered by being in custody since 24.12.2022 (as stated in paragraph 15 of the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the period of custody as also that the second apprehended person Sanjay Kumar has since been released on bail vide Cr. Misc. No. 22667 of 2023 on 20.07.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned 10th Additional Sessions Judge, Bhagalpur in connection with Nathnagar P.S. Case No. 1000 of 2022 corresponding to Sessions Trial No. 419 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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