

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 63357 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- DHANSOI District- Buxar

=====

DINESH SHARMA S/O LATE SIPAHI SHARMA @ RAM SINHASAN  
SHARMA Resident of Village- Shyampur Mahasiha, P.S.- Dhansoi, District-  
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

7      21-06-2023                      This case has been listed under the heading ‘To Be  
Mentioned’ at the instance of the petitioner.

The bail petition with respect to the petitioner no.2  
has already been withdrawn.

Heard learned counsel for the petitioner no.1 and  
learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
17.02.2022 in connection with Dhansoi P.S. Case No.33/2022,  
F.I.R. dated 16.02.2022, for the offences punishable under  
Sections 25(1-B)a, 26 (1-a), 26 (1), 25 (1-A), 25 (1-AA), 26(2)  
and 35 of the Arms Act.

According to prosecution case, iron pipe, spring,  
barrel, magazine of pistol and other articles which are used in  
manufacturing of arms have been recovered from the possession



of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears from the F.I.R. as well as seizure list that many items of arms like iron pipe, spring, barrel, magazine of pistol and other items which are used in manufacturing of arms have been recovered from the possession of the petitioner and there is non-compliance of Section 100 of the Cr.P.C. He further submits that similarly situated co-accused, namely, Malti Devi has been granted bail by the co-ordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No. 28391/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.02.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, no.1 above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Dhansoi P.S. Case No. 33/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

