

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66131 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- THAWE District- Gopalganj

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BUCHAN SHARMA @ BUCHUN SHARMA S/o Chandradeo Sharma R/o
Village- Yogapur, P.S.- Barahariya, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-01-2023

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 414 and 120 B of the IPC and 25(1-b)a, 26/35 of the Arms Act.

As per the prosecution case, the police received information that three miscreants were planning to commit crime. When the police reached the spot, the miscreants started to flee away but were apprehended by the police. On being asked, the miscreants disclosed their name as Sumit Kumar



Singh @ Shree Ram Singh, Vishal Upadhyay and Harun Miyan. On search, one loaded country made pistol was recovered from the possession of the co-accused Sumit Kumar Singh one pistol and five live cartridges were recovered from the possession of the co-accused Vishal Upadhyay and ten live cartridges were recovered from the possession of the co-accused Harun Miyan. Sumit Kumar also disclosed the name of the petitioner as supplier of the pistols and the cartridges for which Sumit Kumar Singh had given one stolen Motorcycle.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has submitted that no incriminating material has been recovered from the possession of the petition. The name of the petitioner has surfaced in this case on the disclosure by the co-accused Sumit Kumar Singh. The petitioner has one criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the fact that nothing has been recovered from the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Thawe P.S. Case No. 39 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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