

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71106 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- ARA NAWADA District- Bhojpur

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Santosh Sharma S/O Gopal Sharma @ Ramashankar Sharma @ Ramashakar Sharama R/O Village- Kechua, P.S- Karakat, District- Rohtas. At present resident of Bishnu Nagar, Chhotan Singh ka Makan, P.S- Ara Nawada, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Mishra, Adv.
For the State : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 26-07-2023 Heard Mr. Akash Mishra, the learned Advocate

for the petitioner and Mr. Md. Aslam Ansari, the learned

APP for the State.

2. The prayer for bail of the petitioner was earlier rejected *vide* order dated 24.05.2022 in Criminal Miscellaneous No.47417 of 2021.

3. The petitioner is being prosecuted in connection with Ara Nawada P.S 326 of 2021, which was instituted for offences under Section 25(1-b)a/26/35 of the Arms Act.

4. The petitioner is said to be in custody since



20.03.2021.

5. A report had been called for from the Court below about the stage of the case. The report dated 06.02.2023 indicates that only cognizance had been taken in the case till the time of sending of the report.

6. The learned counsel for the petitioner however informed this court today that out of seven charge-sheeted witnesses, only one witness had been examined upto now. It has further been submitted that some implements were found kept in the house of the petitioner, which perhaps, could be used as necessary wherewithals for manufacturing arms. The argument of the petitioner is that those implements could be used in agricultural operations also and therefore the prosecution against him is highly presumptuous.

7. Be that as it may, taking into account the fact that the petitioner has clean antecedents and is in custody for more than two years by now and the trial is not likely to be concluded in near future, this Court is



inclined to grant bail to the petitioner during the pendency of the trial before the Court below.

8. The petitioner is directed to be release on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten thousand only) with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S 326 of 2021.

9. However, it is cautioned that in case the petitioner does not appear before the trial Court on two consecutive dates without seeking the leave of the Court, the Court below shall promptly proceed for cancellation of his bail bonds.

10. The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

Sunil/Mayank

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