

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11500 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- SAHJAHANPUR District- Patna

Kundan Sharma @ Mukesh Kumar Singh S/o Late Vidyanand Singh @
Vidyanand Prasad R/o Village and P.O.- Singariyawa, P.S. - Shahjahanpur,
Dist. - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Shahjahanpur P.S. Case No. 188 of 2023 instituted for the
offences under Section 37(2) of the Bihar Prohibition and
Excise Act and Section 25(1B)(a), 26, 35 of the Arms Act, 1959.

3. As per prosecution case, the police has recovered
one country made rifle from the house of co-accused/Ramnivas
Sharma where the accused/petitioner was also sitting and both
the persons were arrested on the spot in drunken state.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that nothing incriminating has



been recovered from the conscious possession of the petitioner rather the same has been recovered from the house of the co-accused. The petitioner has no concern with the seized arms. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. The petitioner is languishing in judicial custody since 16.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shahjahanpur P.S. Case No. 188 of 2023.

(Rudra Prakash Mishra, J)

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