

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32133 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- PARBATTa District- Khagaria

Ashik Kumar @ Ashish Son Of Jai Prakash Sharma @ Bantu Sharma
Resident Of Village - Dumaria Bujurg, Police Station - Parbatta, District -
Khagaria

... .. Petitioner/S
Versus
The State Of Bihar

... .. Opposite Party/s
Appearance :
For the Petitioner/s : Mr.Anup Pandey
For the Opposite Party/s : Mr.Md. Aslam Ansari

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

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Parbatta
P.S. Case No. 507 of 2023 instituted for the offences punishable
under Section 414 of the Indian Penal Code and Sections 25(1-
A), 23(1-AA), 25(1-B)A, 26(i)(ii)(iii) and 35 of the Arms Act.

3. As per prosecution case, in short, is that there has
been recovery of two country made pistols, five live cartridges,



16 bullets and other articles from the house of one, Kailu Sharma.

4. Learned counsel for the petitioners submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged recovery as well as co-accused person. Only on the basis of suspicion, petitioner has been implicated in the present case by the police. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. No incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 25079 of 2024. The petitioner is in custody since 06.11.2023 and he has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Parbattta P.S. Case No. 507 of 2023.

(Rudra Prakash Mishra, J)

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