

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39527 of 2024

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

Jay Prakash Sharma @ Bangtu Sharma @ Bangati Sharma S/O Ganesh
Sharma Resident Of Village Dumaria Bujurg, P.S - Parbatta, Distt - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anup Pandey, Adv.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

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

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. The accusation has been made against the petitioner
that he along with other co-accused persons is involved in the
manufacturing, selling and purchase of illegal weapons. As per
prosecution case, the police has also recovered country made
pistols, bullets and several other materials used in the
manufacturing of arms and ammunition from the place of



occurrence.

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. Not a single independent witness has supported the prosecution case. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized article. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Md. Moin @ Md. Moen has been granted regular bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 33534 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner stating that the allegation made against the petitioner is serious in nature. From the seizure list, it appears that the police has recovered pistols, bullets and other materials used in manufacturing of arms and ammunition. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Section 414 I.P.C. and Section 25(1-A), 25(10AA), 25(1-B)a/26(i)(ii)(iii)/35 of the Arms Act.



7. Considering the entire facts and circumstances of the case as well as taking into account the seriousness of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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