

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45981 of 2024

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

Kailash Sharma @Kailu Sharma S/O Wakil Sharma R/O Village- Dumariya
Bujurg, P.S. Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in 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), 25(1-AA), 25(1-B)A, 26(i)(ii)(iii) and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is recovery of two country made pistols, five live cartridges, 16 bullets and other articles from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has no concern with the alleged recovery of arms. The petitioner is in custody since 5.11.2023 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 25079 of 2024, order dated 26.04.2024 passed in Cr. Misc. No. 32133 of 2024 and 32142 of 2024.

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, taking into account 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 ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parbatta P.S. Case No. 507 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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