

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57324 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- ALOULI District- Khagaria

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Dhiro Sharma S/O Late Kamlu Sharma R/O Village- Bisanpur, P.S- Muffasil,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-01-2024 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Alauli P.S. Case No. 14 of 2023 G.R. No. 158 of 2023 dated
18.01.2023, registered for the offence punishable u/s 25(1-AA),
26(i)(ii), 35 of the Arms Act, pending in the court of learned
Chief Judicial Magistrate, Khagaria.

3. Allegation against the petitioner is that he along with
four other co-accused persons have involved in making illegal
arms.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has been falsely implicated
in this case due to previous grudge. The allegations levelled
against the petitioner is general and omnibus in nature. There is
no specific overt act against the petitioner. He further submits



that petitioner is not named in the F.I.R. rather his name transpired only on confessional statement of co-accused, Rahul Kumar @ Rahul Sharma. Nothing incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner has one criminal antecedent as mentioned in para 3 of the supplementary affidavit.

5. Per contra, learned APP for the State vehemently opposed the bail petition submitted that petitioner suppress the criminal antecedent. Petitioner has another one criminal antecedent mentioned in para 43 of the case diary in connection with Mufassil (Khagaria) P.S. Case No. 399 of 400 offence u/s 402, 307, 323 of the I.P.C. and u/s 25(1-b)a, 26, 27 and 35 of the Arms Act thus the allegations levelled against the petitioner in present case is also similar in nature, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, the petitioner has suppressed criminal antecedent, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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