

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72936 of 2024**

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

Jai Prakash Sharma @ Bangtu Sharma @ Bangti Sharma Son of Ganesh
Sharma R/O-Village- Dumariya Bujurg Usari Tola, P.S.- Parbatta, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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

ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 25.06.2024 passed in Cr. Misc. No. 39527 of 2024.

3. The petitioner seeks bail in connection with Parbatta
P.S. Case No. 507 of 2023 instituted for the offences under
Sections 414 I.P.C. and 25(1-A), 25(1-AA), 25(1-B)A, 26 (i)(ii)
(iii)/35 of the Arms Act.

4. As per prosecution case, the accusation against the
petitioner is of being engaged in trade of illegal arms and
ammunition. As per allegation, the raiding team conducted
search in the house of the petitioner where three miscreants



were caught and recovered arms and ammunition from the house of the petitioner. The police has also recovered arms and ammunition from the house of the co-accused Kailu Sharma.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to previous criminal antecedent. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that not a single independent witness has supported the prosecution case. The petitioner has no concern with the alleged occurrence. Charge-sheet has been submitted in this case. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he has been acquitted as has been stated in Para-3 of the present bail application and is languishing in judicial custody since 04.07.2024 without any rhymes or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Nikhil Sharma, Md. Moin @ Md. Moen and Kailash Sharma @ Kailu Sharma have already been granted bail by this Court vide orders dated 04.04.2024, 01.05.2024 and 12.07.2024 passed in Cr. Misc. Nos. 25079 of



2024, 33534 of 2024 and 45981 of 2024 respectively.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail. The I.O. after completion of investigation has submitted charge-sheet against the petitioner for offence under Sections 414 I.P.C. and 25(1-A), 25(1-AA), 25(1-B)A, 26 (i)(ii)(iii)/35 of the Arms Act.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also the prayer for bail being based on parity, 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 Parbatta P.S. Case No. 507 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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