

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74570 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- MANJHAGARH District- Gopalganj

Kamal Sharma @ Kamal Sarma S/O Late Ram Narayan Sharma R/O Village-
Bishunpura, P.S- Zamobazar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner and Ms, Renu
Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Manjhagarh P.S. Case No. 154 of 2024 instituted for the
offences under Section 414 of the Indian Penal Code and
Sections 25(1-b)a, 25(1-AA), 26(1)(2) & 35 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of being involved in illegal manufacturing of arms.
It is alleged that the police has recovered tools used for arms
manufacturing including two arms from the place of
manufacturing.

4. 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. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Haidar Ali. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. 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 no criminal antecedent and is languishing in judicial custody since 10.06.2024 without any rhymes or reason. Other co-accused has been granted bail by this Court *vide* order dated 04-09-2024, passed in Cr. Misc. No. 61406 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. 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 and the petitioner having no criminal antecedent, 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 Manjhagarh P.S. Case No. 154 of
2024.

(Rudra Prakash Mishra, J)

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