

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86437 of 2023**

Arising Out of PS. Case No.-259 Year-2022 Thana- KASIMBAZAR District- Munger

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DABLU KUMAR SHARMA S/O ASHWANI SHARMA R/O MOHALLA-
SANDALPUR (RENTED HOUSE OF MADAN YOGI), P.S- KASIM
BAZAR, MUNGER, PERMANENT RESIDENT-MANIA CHAURAHA
(NEAR VISHWAKARMA MANDIR), DISTT.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-03-2024 This is the second attempt of the petitioner for grant of regular bail as earlier the bail application of the petitioner was rejected vide order dated 12.07.2023 passed in Cr. Misc. No. 35072 of 2023.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in connection with Kasim Bazar P.S. Case No. 259 of 2022 registered for the offence under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(i)(ii) and of the Indian Penal Code and under Section 35 of the Arms Act.

4. As per the prosecution case, the allegation against the petitioner is that he was running a mini gun factory



his house and on search five pieces of partly made magazine, two pieces of partly manufactured pistol, five cartridges and some instruments and tools were recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that for the last one year, no witnesses have been produced by the prosecution side and only charges have been framed.

6. It is also submitted by the learned counsel for the petitioner that the petitioner is in jail since 23.09.2022.

7. Learned APP for the State vehemently opposed the prayer of the petitioner for grant of bail.

8. Considering the aforesaid facts, this application is allowed.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Munger in connection with S.Tr. No. 35 of 2023 arising out of Kasim Bazar P.S. Case No. 259 of 2022 on following conditions:-

i). The Court below, before accepting the bail bonds of the petitioner is directed to verify the criminal



antecedents of the petitioner. If the trial Court finds that the criminal antecedent of the petitioner is clean then the bail bonds of the petitioner shall be accepted. If the Court below finds that there is any other case registered against the petitioner then the bail bonds of the petitioner shall not be accepted.

ii). One of bailors should be the blood relative of the petitioner.

iii). The petitioner is directed to co-operate in the trial either by appearing personally in the trial Court on each and every dates fixed for hearing.

iv). The petitioner is directed to mark his attendance at Kasim Bazar Police Station on every Sunday of the month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

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