

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2696 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

Pradeep Sharma S/O Brijnandan Sharma R/O Vill-Maksadpur Khankah, Ps-
Kasim Bazar, Dist-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2957 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

Ashok Poddar S/O Late Bishnudeo Poddar Village- Parihara, Ps. Parihara,
Dist. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2696 of 2024)

For the Petitioner/s : Mr.Kripa Nand Jha, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 2957 of 2024)

For the Petitioner/s : Mr.Deep Anshuman, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 31-01-2024 Since both the criminal miscellaneous applications mentioned aforesaid have arisen from the same police station case, hence, the same are being taken up together.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with S.T. No. 303/2023 arising out of Medni Chauki P.S. Case No. 109 of 2023, lodged on 17.07.2023 under Sections 25(1-



b)A/26(1)(i2)/25(1-A)/25(1-AA), 25(1-AC)/35 of the Arms Act.

4. As per the prosecution case, the FIR has been lodged against five named accused persons including the petitioners against whom there is allegation that they were manufacturing illegal arms at a *samsan ghat* from where recovery of different materials used for manufacturing of arms have been recovered.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. In fact, nothing has been recovered from the conscious possession of the petitioners, rather the alleged recovery has been made from a public place, which does not belong to the petitioners. The petitioners are in custody since 18.07.2023 having no criminal antecedent. It is further submitted that similarly situated co-accused, namely Fuleshwar Bind has been granted bail conditionally by a co-ordinate Bench of this Court vide order dated 03.11.2023, passed in Criminal Miscellaneous No. 69062/2023 against whom there is an allegation of recovery of one country made pistol loaded with seven live cartridges whereas co-accused Ram Balak Bind has been granted bail by a co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Criminal Miscellaneous No. 84973/2023.



6. Learned counsel for the State opposes the prayer for bail and submits that the petitioners are accused of a case in which there is an allegation of manufacturing of illegal arms.

7. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, learned counsel for the petitioner submits that he is not aware about the fact whether the charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail, **but only after six months of framing of charge, if already not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Lakhisarai, in connection with S.T. No. 303/2023 arising out of Medni Chauki P.S. Case No. 109 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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