

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37671 of 2025

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

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

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Session Case No. 141 of 2025, arising out of Supplementary Alauli P.S. Case No. 14 of 2023, registered for the offences punishable under Sections 25(1-AA), 26(i)(ii) and 35 of the Arms Act.

3. As per the prosecution case, an information was received about the co-accused persons manufacturing illegal fire-arms and raid was conducted at the identified place. Five persons fled away from the spot and from search of that place, recovery of two semi-constructed pistols, two magazines and a number of articles used in manufacturing of fire-arms was made. The name of the petitioner transpired during investigation for being involved in the manufacturing of illegal fire-arms.



4. Learned counsel appearing on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected *vide* order dated 06.03.2025 passed in Cr. Misc. No. 13399 of 2025 by a co-ordinate Bench of this Court. While rejecting the earlier prayer for bail, the learned single Judge observed that the petitioner would be at liberty to renew his prayer for bail after framing of charge. Now, charge has been framed in this case on 25.04.2025. Moreover, the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused person Rahul Kumar @ Rahul Sharma, who has been granted bail by a co-ordinate Bench of this Court *vide* order dated 07.06.2023 passed in Cr. Misc. No. 29182 of 2023, and except for that there is no material against the petitioner to connect him with the offence as alleged. Other similarly placed co-accused persons have been granted bail by this Court *vide* order dated 28.07.2023 passed in Cr. Misc. No. 44803 of 2023 and order dated 08.06.2023 passed in Cr. Misc. No. 29304 of 2023. Learned counsel lastly submits that petitioner is in custody since 23.11.2024 and he is having



antecedent of two cases and it has been wrongly mentioned in the rejection order that the petitioner is having antecedent of three cases.

5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot, no recovery has been shown from him and charges have been framed and also considering his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Khagaria / concerned Court, in connection with **Session Case No. 141 of 2025, arising out of Supplementary Alauli P.S. Case No. 14 of 2023**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and



every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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