

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53341 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- Darhar District- Saharsa

Nageshwar Sharma @ Nago Sharma S/O Bhagavat Sharma R/O Village-
Jharba, Barhara, P.S- Nauhatta, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-A),
25(1-AA), 25(1-B), 25(1-B)a, 26 and 35 of the Arms Act

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is aged about 71
years and the informant alleges that he got secret information
that Bikash and Punanad Mistri @ Badhai are manufacturing
gun in their shop, accordingly, the informant reached the place
of occurrence and Bikash was arrested who disclosed the name
of Punanad Mistri @ Badhai who fled away. Further, on search
of the shop, many half made country made pistol along with
parts of pistol and live cartridges were seized.

4. Learned A.P.P. for the State at the outset submits



that Punanad Mistri @ Badhai had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 53320 of 2025 and the same was rejected by an order dated 18.08.2025, as such, it is submitted that the case of the petitioner is also on a similar footing.

5. Learned counsel appearing on behalf of the petitioner vehemently rebuts the submission of the learned A.P.P. It is further submitted that no doubt, the name of the petitioner came in the confessional statement of Bikash but then the petitioner is not named in the FIR i.e. at the time when the FIR was instituted Bikash had not disclosed the name of the petitioner rather during the course of investigation, the petitioner came to be implicated. It is next submitted that petitioner is aged about 71 years and has remained a person with clean antecedent all throughout and based on confessional statement of apprehended accused in police custody has been made an accused on the allegation that it was at his instance that Bikash and Punanad Mistri @ Badhai were indulging in manufacturing of illegal arms. Learned A.P.P. submits that if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond



rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Darhar P.S. Case No. 11 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is made clear that if charge-sheet is submitted connecting the petitioner with the offence apart from confession in that event the anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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