

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5449 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- MAHUA District- Vaishali

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Sunny Kumar, aged about 22 years, Male, Son Bhikhari Ram, Resident of village- Narayanpur P.S. -Mahua District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahua PS Case No. 392 of 2014 instituted for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)a. 26 and 35 of the Arms Act.

3. As per the prosecution case, a country made pistol, two live cartridges and smart phone were recovered under the bed of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case mere on suspicion. Petitioner is in custody since 29.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list, and



impugned order dated 28.08.2023 passed by the learned Additional Sessions Judge-III, Vaishali at Hajipur, it appears that one country made pistol with live cartridges were recovered in presence of petitioner under the bed.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Vaishali at Hajipur in connection with Mahua PS Case No. 392 of 2023.

8. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of one month from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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