

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16847 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Raju Kumar Sahni @ Raju Kumar, Male, aged about 22 years, Son of Shankar Sahani, Resident of Village- Gurmia, P.S. Kartaha, District Vaishali.
2. Birju Kumar, Male aged about 26 years, Son of Suresh Sahani,, Resident of Village- Patepur, P.S Kartaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sadar Hajipur PS Case No. 676 of 2023 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, one loaded country made pistol and five cartridges from Birju Kumar (petitioner no. 2) and two cartridges from Raju Kumar (petitioner no. 1) have been recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence and have



falsely been implicated in this case. He further submits that petitioner no. 1 lives in Tinsukia, Assam and had come to his house only to visit and had gone to the poultry shop owned by Raju Sah. Petitioner no. 2 is falsely implicated in the present case and his name transpired due to previous animosity. Petitioners have got no criminal antecedent as stated in para 3 of the petition and is in custody since 02.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II, Vaishali at Hajipur dated 09.11.2023, it appears that the recovery have been made from the conscious possession of the petitioners. There is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar Hajipur PS Case No. 676 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) 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 petitioners shall be released on bail on above conditions and they 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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