

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8102 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- NAANPUR District- Sitamarhi

Avnish Kumar @ Kallu Son of Sampat Singh @ Ramas Singh Resident of
Village-Bhaurgarh, P.S.-Nanpur, Distt-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with
Nanpur P.S Case No. 535 of 2023 registered for the
offences punishable under Sections 414 of the I.P.C 25(1-
b)a, 26, 35 of Arms Act.

3. As per allegation in the FIR, one country made
pistol and cash of Rs. 4180 recovered from the possession
of the petitioner and one mobile, Rs. 160 cash and one
motorcycle was recovered from the possession of the co-
accused.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He further submits that offences under Section 414 of the I.P.C will not be attracted because the motorcycle in question belongs to cousin of the petitioner. It is also submitted that petitioner is in judicial custody since 26.10.2023. Petitioner has got no criminal antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate Pupri, Sitamarhi in connection with Nanpur P.S Case No. 535 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 petitioner shall be released on bail on the above conditions and he 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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