

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6537 of 2024

Arising Out of PS. Case No.-557 Year-2023 Thana- DIGHA District- Patna

Vivek Kumar @ Golu, age-19 years, Male, S/o Shri Mahadev Chouhan R/o
Rajiv Nagar, Road No. - 21, Post - Keshri Nagar, P.S.- Rajiv Nagar, Dist.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Ranjan Sinha, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

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

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody in connection with Digha
P.S. Case No. 557 of 2023 registered for an offence punishable
under Sections 25(1-b)/a/26/35 of the Arms Act.

As per allegation in the FIR, three cartridges and one
pistol were recovered from a scooty bearing registration
no.BR01EB2070.

Learned counsel for the petitioners submits that peti-
tioner has falsely been implicated in this case. He next submits
that there is no recovery from the possession of the petitioner
and he has no concern with the seized scooty. Petitioner has got
no criminal antecedent as stated in para-3 of the petition and he



is in judicial custody since 23.07.2023.

However, learned APP for the State opposes the prayer for regular bail of the petitioners.

On perusal of the first information report, seizure list and impugned passed by Additional Sessions Judge-XXIV, Patna, it appears that on the basis of written report of the informant, FIR was registered under sections 25(1-b)a, 26 and 35 of the Arms Act against two persons including petitioner and it transpires from the seizure list, some arms and cartridges were recovered from the possession of the petitioner, the petitioner is in custody since 23.07.2023, considering which, I am inclined to grant bail to the petitioner. Accordingly, let the petitioner above named be released on bail *after framing of the charge*, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-XIII, Patna Sadar in connection with Digha P.S. Case No. 557 of 2023 with following conditions:-

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 above named petitioner shall be released on bail on fur-



nishing bail bond with further condition that the petitioner have
to present physically on each and every date before the Trial
Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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