

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6964 of 2024

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

Raj Kapoor Sah, aged about 30 years, Son of Julum Sah, 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.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sadar Hajipur P.S. 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 six live cartridges have been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to police mechanism and maneuvering. He has no concern with the alleged arms which



were seized by the police. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Similarly situated co-accused persons namely, Raju Kumar Sahni @ Raju Kumar and Birju Kumar have already been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 16847 of 2024. Petitioner is languishing in judicial custody since 03.09.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar Hajipur P.S. 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 petitioner shall be released on



bail on 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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