

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10293 of 2024**

Arising Out of PS. Case No.-298 Year-2023 Thana- KHANPURA District- Samastipur

RAKESH KUMAR SAHNI @ BALESHWAR @ THALESWAR Son of
Shankar Sahni Resident of Village-Karua Chauk Madhuban, P.S.-Khanpur,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Khanpur P.S Case No. 298 of 2023 registered for
the offences punishable under Sections 25(1-B) (a), 26,
35 of the Arms Act.

3. As per allegation in the FIR, three live
cartridges have been recovered from the possession of
the petitioner and one loaded country made pistol was
recovered from the possession of other co-accused who
were travelling together.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that the other co-accused has been granted bail by a coordinate bench of this court vide order dated 17.02.2024 in Cr. Misc. No. 5767 of 2024. It is also submitted that petitioner is in judicial custody since 15.11.2023.

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 Judicial Magistrate, 1st Class, Samastipur in connection with Khanpur P.S Case No. 298 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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