

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10799 of 2024**

Arising Out of PS. Case No.-252 Year-2023 Thana- BALIYA District- Begusarai

CHHOTU KUMAR Son of Manoj Kumar Yadav Resident of Village-
Rahimpur Kumarchakki, Ward No.-06, P.S.-Muffasil, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

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

ORAL ORDER

2 22-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Balial P.S. Case No.252 of 2023 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The allegation against the petitioner is to
have in possession of one country made pistol and one live
cartridge.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that alleged



recovery was not made from the conscious physical possession of this petitioner rather the recover was made from the possession of other co-accused. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that the petitioner is a man of clean antecedent and he is in custody since 08.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Balia P.S. Case No.252 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai.

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 above named petitioner shall be released on bail on furnishing 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)

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