

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13279 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- KUDHNI District- Muzaffarpur

Sanjiv Kumar @ Sanju, aged about 34 years, Male, Son of Late Lalan Singh,
Resident of Village- Sripur, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kudhani (Turki O.P.) P.S. Case No. 572 of 2023 instituted for
the offences punishable under Section 353 of the Indian Penal
Code and Sections 25(1-b) a /26 of the Arms Act.

3. As per the prosecution case, one country made
loaded pistol with two live cartridges and one misfired cartridge
was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. It is further submitted that
the seizure list was not prepared in presence of the independent



witness rather both the seizure witnesses are member of the police party. Petitioner has got no criminal antecedent as stated in para-3 of the petition and is in custody since 26.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned XVIth Additional Sessions Judge, Muzaffarpur dated 08.01.2024, it appears that petitioner is named in the FIR, seizure list was not prepared at the place of occurrence and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 A.C.J.M.-1st, (West) Muzaffarpur in connection with Kudhani (Turki O.P.) PS Case No. 572 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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