

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10253 of 2024**

Arising Out of PS. Case No.-633 Year-2023 Thana- GAYA KOTWALI
District- Gaya

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SUNNY KUMAR S/O JAGO RAVIDAS R/O VILLAGE- NEAR GURUDOWARA
ROAD TEMPE, P.S- KOTWALI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 633 of 2023 registered for the offence

under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According the prosecution, the petitioner is

apprehended having unlawful possession of one country

made pistol along with one live cartridge.

4. Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He

further submits that it appears form the F.I.R. and the

seizure list that one country made pistol along with one



cartridge has been recovered from the conscious possession of the petitioner. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. No independent witness has come forward to support the seizure list. The petitioner is rotting in judicial custody since 08.11.2023.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 633 of 2023.

8. 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 name petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner shall 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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