

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11523 of 2024**

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

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Niwash Kumar @ Niwas Kumar son of Late Prakash Yadav Village-
Rahimpur Kumar Chakki W.No-6, Ps- Khagaria Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad,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

Baliya 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. According the prosecution, one mobile along

with a motorcycle has been recovered from the possession of

the petitioner.

4. Learned counsel appearing for the petitioner

submits that the petitioner 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 only one mobile and a

motorcycle bearing registration No. BR-34Q-5963 has been



recovered from the conscious possession of the petitioner, which belong to the petitioner and both are not the stolen articles. He further submits that the allegation of recovery of arms is attributed to the co-accused, Chhotu Kumar and the petitioner has no concern at all with the alleged recovery of arms from the co-accused. 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 08.09.2023.

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, Begusarai in connection with Balia P.S. Case No. 252 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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