

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11196 of 2024**

Arising Out of PS. Case No.-611 Year-2023 Thana- BIDUPUR District-
Vaishali

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Munchun Kumar S/O ARVIND SINGH R/O VILLAGE- GOPALPUR
CHAKNAI, PS.- BIDUPUR, DIST.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shweta Anand,Adv.
Mr. Ajit Anand, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, 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. Learned counsel for the petitioner seeks and is
allowed permission to carry out necessary correction in the
petition during course of the day.

3. The petitioner seeks bail in connection with Bidupur
P.S. Case No. 611 of 2023 dated 16.10.2023 registered for the
offence under Sections 399, 402 and 414 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

4. According the prosecution, the petitioner is alleged
to have been apprehended by the police having possession of one
country made pistol along with one live cartridge.

5. 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 from 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. He next submitted that the charge has been framed against the petitioner. Moreover, co-accused, Hariom Kumar having more or less similar allegation has already been granted bail by the learned trial court vide order dated 20.01.2024. The petitioner is rotting in judicial custody since 18.10.2023.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases of similar nature other than the present one.

7. 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.

8. 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 A.D.J.-VII, Vaishali at Hajipur in connection with Sessions Trial No. 94 of 2024 arising out of Bidupur P.S. Case No. 611 of 2023.

9. The trial court is directed to conclude the proceeding of framing of charge, **if not framed**, 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.

brajesh/-

(Ramesh Chand Malviya, J)

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