

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12608 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- MAJORGANJ District- Sitamarhi

SUNIL KUMAR TIWARI Son of Parma Nand Tiwari Resident of Village-
Khairwa, P.S.-Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Mejorganj P.S. Case No.310 of 2023 registered for the offence
under Sections 399 and 402 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per FIR, there is recovery of one country
made pistol and one live cartridge have been recovered from the
possession of this petitioner.

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 nothing has
been recovered from conscious physical possession of this



petitioner and he has no concerned with the alleged occurrence. It is also submitted that other similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.10901 of 2024 on 22.02.2024. It is further submitted that petitioner is in custody since 20.10.2023.

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 Mejorganj P.S. Case No.310 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 Additional Chief Judicial Magistrate- 1st, Sitamarhi.

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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