

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15260 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Deva Sahni @ Mangesh Kumar, age about 30 years, Male Son of Nepali Sahni, Resident of Village- Ismailpur @ Harauli (Kachahari Tola), P.S- Sadar, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sadar Hajipur PS Case No. 676 of 2023 instituted for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a , 26 and 35 of the Arms Act.

3. As per the prosecution case, on secret information the police recovered some arms from the possession of the accused persons.

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 due to enmity and grudge. Neither any incriminating articles has been recovered from the



possession of the petitioner nor he has apprehended from the spot. He has been made accused only on the basis of confessional statement of co-accused. Petitioner has got clean antecedent as stated in para-3 of the petition and is in custody since 05.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II, Vaishali at Hajipur dated 28.11.2023, it appears that petitioner had caught at his house but there is no any recovery from his conscious possession, has clean antecedent and recovery of arms from other co-accused persons and not this petitioner, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar Hajipur PS Case No. 676 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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