

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15357 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- ALOULI District- Khagaria

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Jeewachh Chaupal Tanti @ Jivachh Kumar Chaupal @ Jivachh Chaupal, aged about 56 years, Gender-Male, Son of Mahadev Chaupal, Resident of Village-Dharharwa, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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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 Alauli PS Case No. 410 of 2023 instituted for the offences punishable under Sections 25(1-B)a, 26(I) of the Arms Act.

3. As per the prosecution case, one countrymade pistol and two .315 bore live cartridge have been recovered from the possession of the petitioner.

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. He further submits that no



any independent witness was present at the place of occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 29.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-VI, Khagaria by order dated 22.12.2023, it appears that petitioner is named in the FIR. From perusal of the FIR, it appears that no any independent witness of the seizure list was present at the place of occurrence and the seizure list witnesses are the police officials witnesses, 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, Khagaria in connection with Alauli PS Case No. 410 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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