

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18405 of 2024

Arising Out of PS. Case No.-720 Year-2023 Thana- BIHAR District- Nalanda

Vinay Kumar, aged about 25 years, Male, Son Of Raju Yadav, Resident Of Village-Deokali Ghat, Police Station- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 22-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Section 399, 402 and 414 of the Indian Penal Code and Sections 25(1-B)A/26/35 of the Arms Act.

3. As per the prosecution case, it is a case of recovery of some fire arms as well as one motorcycle.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case due to highhandedness of the local police merely on suspicion. He next submits that the petitioner was neither present at the place of occurrence nor anything has been recovered from his possession and his name has been dragged in the instant case



only on the basis of disclosure made by the apprehended co-accused persons before the police.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, seizure list and impugned order dated 08.01.2024, it appears that one loaded country made pistol along with two live cartridges and also one motorcycle were recovered from the possession of co-accused Vikash Kumar @ Ramu and nothing has been recovered from this petitioner and petitioner is in custody since 16.11.2023, considering which, I am inclined to grant bail to the petitioner. Accordingly, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Bihar P.S. Case No.720 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 CJM, Nalanda at Biharsharif.

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)

Brajesh Kumar/-

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