

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16367 of 2024

Arising Out of PS. Case No.-1048 Year-2023 Thana- KHAGARIA District- Khagaria

Dilkush Kumar @ Chotu @ Mungeari, Male, aged about 19 years, Son of Late Mahesh Paswan, Resident of Village -Sangrampur, P.S. - Asarganj, District – Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khagaria (Muffasil) PS Case No. 1048 of 2023 instituted for the offences punishable under Sections 399, 402, 120(B) of the Indian Penal Code and Sections 25 (1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one country made loaded pistol along with five live cartridges and a mobile 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 on the basis of suspicion. It



is further submitted that there is no any recovery from the possession of the petitioner and only two accused persons has been apprehended by the police at the place of occurrence. Petitioner has got clean antecedent as stated in para 3 of the petitioner is in custody since 10.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge- VI, Khagaria dated 22.01.2024, it appears that petitioner has named in the FIR, there is no any independent witness of the seizure list and petitioner has clean antecedent as stated in para 3 of the petition, 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 Khagaria (Muffasil) PS Case No. 1048 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)

Anand Kr.

U		T	
---	--	---	--

