

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17198 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Anil Yadav, Gender-Male, aged about 32 years, son of Radhe Shyam Yadav
@ Radhay Shyam Yadav, Resident of Village- Jurabganj Ward No-1, P.S.-
Korha District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dalsingsarai PS Case No. 404 of 2023 instituted for the offences
punishable under Sections 25(1-B)A and 26 of the Arms Act.

3. As per the prosecution case, one loaded country
made pistol and one 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. It is further submitted that



no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the independent witness who signed on the seizure list does not belong to the alleged place of occurrence. Petitioner is in custody since 10.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Samastipur dated 09.01.2024, it appears that petitioner is named in the FIR and the independent witness who signed on the seizure list was not present at the place of occurrence, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on ***after framing of charge*** 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, Samastipur in connection with Dalsingssarai PS Case No. 404 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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