

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18133 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- SONBERSA District- Sitamarhi

Raj Kumar, aged about 28 years Male, Son of Bauaji Sah @ Baiju Sah,
Resident of Village- Hanuman Nagar, Ward No.- 07, P.S.- Bhutahi (Sonbarsa),
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa PS Case No. 390 of 2023 instituted for the offences
punishable under Sections 414 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 loaded magazine
and two cartridges along with a motorcycle has been recovered
from the conscious 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
arms has been recovered from the co-accused Prabhat Kumar.



Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 28.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Additional Sessions Judge-XV, Sitamarhi dated 01.02.2024 and also from a bare perusal of the material available on record, it appears that one mobile, one loaded magazine, two cartridges without any arms along with a motorcycle has been recovered and there is no any independent witness of the seizure list, 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 Judicial Magistrate-1st Class, Sitamarhi in connection with Sonbarsa PS Case No. 390 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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