

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18078 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- MANER District- Patna

Lal Babu Sharma, Male, aged about 35 years, Son of Sushil Sharma, Resident of Village- Purana Bhojpur, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ejaz Akhter, Advocate

For the Opposite Party/s : Mr. Murli Dhar, 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 is in custody in connection with Maner P.S Case No. 709 of 2023 registered for the offences punishable under Sections 147, 148, 149, 447, 307, 386, 379, 504, 506, and 120 (B) of the I.P.C and Sections 25 (1-B)a/26/35/27 of the Arms Act.

3. As per allegation in the FIR, some miscreants were engaged in illegal sand mining and when police reached there they started firing.

4. Learned counsel for the petitioner submits that petitioner is innocent has falsely been implicated in this case. He further submits that no specific allegation against the petitioner. Neither any incriminating firearms and live cartridges



have been recovered from the possession of the petitioner nor any signature on the seizure list. Petitioner has got no criminal antecedent as stated in para 3 of the petition. It is also submitted that petitioner is in judicial custody since 02.10.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-1st, Danapur, Patna dated 09.01.2024, it appears that no recovery was made from the conscious possession of the petitioner and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the parties, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur in connection with Maner P.S Case No. 709 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law a period of one month 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 the



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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