

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19727 of 2024

Arising Out of PS. Case No.-157 Year-2022 Thana- BAJPATI District- Sitamarhi

Lal Babu Nadaf (M) aged about 70 years, Son of Badri Nadaf, Resident of vill.-Bhalhi, P.S.-Bathnaha, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Singh, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

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

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that that petitioner is in custody since 04.06.2022.

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

6. On perusal of the first information report as



well as impugned order dated 02.08.2022, it appears that one country made pistol and one live cartridge were recovered from the possession of the petitioner but no independent witness of seizure list and also period of custody of the petitioner, so I am inclined to grant bail to the petitioner. Let the petitioner, above named, be directed to be released on bail ***after framing of the charge*** in connection with Bajpatti P.S. Case No.157 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sitamarhi.

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 has to be present physically on each and every date before the Trial Court till conclusion of trial.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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