

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23117 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- BARIYARPUR District- Munger

Raj Kumar, Male age about 22 years, Son of Sita Ram Mandal, Resident of Jangli Mandal Road, P.S. - Mufassil, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bariyarpur P.S. Case No. 154 of 2023 instituted for the offences punishable under Sections 25(1-B)a, 26 (i) (ii) and 35 of the Arms Act.

3. As per the prosecution case, four country made pistols and mobile sets were recovered from the bag which was in the hand of the petitioner and four empty magazine of pistol and mobile set have also been recovered from the accused persons.

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 the petitioner is a student and is preparing for competitive examination after completing his graduation. He next submits that the bag which was recovered from the hand of the petitioner does not belong to him and he was not aware of this item kept inside it. Nothing incriminating articles has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 27.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II, Munger dated 29.01.2024, it appears that there is no any independent witness of the seizure list. Similarly situated co-accused persons namely Sohan Kumar has been granted bail by this Court in Cr. Misc. No. 6455 of 2024 vide order dated 17.02.2024, 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 Additional Sessions Judge-II, Munger in connection with Bariyarpur P.S. Case No. 154 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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