

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26798 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- PARSAUNI District- Sitamarhi

Sunil Kumar @ Sunil Kushwaha Son Of Rambabu Kumar @ Ram Babu Singh Resident Of Village-Ram Nagra (Ward No. 16), P.S.-Riga, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-04-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Sections 399 / 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 arms from the accused persons.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. Petitioner is in custody since 03.10.2023.

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

6. On perusal of the first information report, seizure list and impugned order dated 16.01.2024, it appears that



one loaded country made pistol along with twelve live cartridges and one mobile were recovered but no independent witness of seizure list, in these circumstances, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Parsauni P.S. Case No.133 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Sitamarhi/concerned Court.

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 have to 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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