

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25518 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- PATEPUR District- Vaishali

Abhinash Kumar @ Sachin @ Golu Son of Sudhir Kumar Singh Resident of
Village- Ratanpur, P.S.- Sakra (Bariyarpur O.P.), Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate

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

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Patepur P.S. Case No. 242 of 2023 instituted for the offences
punishable under Section 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, the petitioner was
apprehended on the spot along with co-accused Sudhanshu
Kumar and from their possession, fire arms and stolen
motorcycle were recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with the



recovered fire arms and other co-accused persons. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., seizure list and impugned order dated 16.01.2024, it appears that only key of motorcycle has been recovered from the possession of the petitioner and except this, there is no any material against him. Petitioner is in custody since 12.10.2023, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No.242 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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