

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24162 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Jakir Hussain @ Zakir Hussain, Gender-Male, aged about 23 years, son of
Sagir Miya, Resident of Village- Safapur, P.S.- Manjhagarh, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, 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 a case registered
for the offence under Sections 413 and 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, it is a case of recovery
of some fire arms from the accused persons.

4. Learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in this case. He
next submits that there is no recovery from the possession of the
petitioner, hence, no offence under the Arms Act is made out
against the petitioner as stated in para-9 of the petition. Petitioner
is in custody since 20.10.2023.



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

6. On perusal of the first information report and impugned order dated 08.02.2024, it appears that two mobile phones were recovered from the possession of the petitioner but no fire arms were recovered from his conscious possession, let the petitioner, above named, be directed to be released on bail ***after framing of the charge*** in connection with Vijaipur P.S. Case No.318 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 ACJM-XIV, Gopalganj.

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 the trial.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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