

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26153 of 2024

Arising Out of PS. Case No.-376 Year-2023 Thana- SALAKHUA District- Saharsa

Anant Kumar, Male, aged about 40 years, Son of Babu Lal Singh @ Babuan Singh, Resident of Village - Kachant Ward No.10, P.S. - Salkhua, District – Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amardeep, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Salkhua P.S. Case No. 376 of 2023 instituted for the offences punishable under Sections 25(1-B)a, 26 of the Arms Act.

3. As per the prosecution case, one loaded country made pistol and four live cartridges were found kept in the waist of the petitioner.

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 only on the basis of dirty village politics. It is further submitted that the petitioner is named in the FIR. Petitioner is in custody since 23.11.2023.

5. Learned APP opposes the prayer for bail.



6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Saharsa dated 01.03.2024, it appears that petitioner is named in the FIR. From perusal of the records, it appears that petitioner has been arrested only on the basis of suspicion and there is no any independent witness of the seizure list, 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 Judicial Magistrate-1st Class, Saharsa in connection with Salkhua P.S. Case No. 376 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 further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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