

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25318 of 2024

Arising Out of PS. Case No.-770 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Amit Raut @ Gulli @ Amit Kumar Raut @ Amit Kumar @ Golu, aged about
20 years, Male, Son of Dinesh Raut, Resident of Village- Dakshini Dhamaun,
P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Patory
P.S. Case No. 770 of 2023 instituted for the offences punishable
under Section 414 of the Indian Penal Code and Sections 25(1-
b)A and 26 of the Arms Act.

3. As per the prosecution case, during vehicle
checking petitioner was apprehended by the police alongwith
one mobile phone and during search of mobile one photograph
of petitioner armed with country made pistol and cartridge was
found in the mobile phone, thereafter on search one loaded
country made pistol has been recovered from the house 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. He further submits that nothing incriminating has been recovered from conscious possession of the petitioner. It has also been submitted that so called recovery of motorcycle is concerned which belongs to his own brother and so far as question of recovery of mobile is concerned which is his own mobile. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 22.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Samastipur dated 15.02.2024, it appears that during vehicle checking petitioner was apprehended by the police. There is recovery of one loaded country made pistol from the house of the petitioner and the recovered motorcycle belong to the brother of the petitioner. Petitioner has produced the owner book of the said motorcycle in which the name of his father is written in the owner book, 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, Samastipur in connection with Patory P.S. Case No. 770 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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