

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26517 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- GORAUL District- Vaishali

Vikky Kumar, aged about 19 years, Male, Son of Dharmendra Ram, Resident of Village Bharthipur, P.S. Sakara, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Goraul P.S. Case No. 29 of 2024 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, one country made pistol and one pulsar motorcycle has been recovered from the possession 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. It is further submitted that no article has been recovered from the conscious possession of



the petitioner. He next submits that the recovered motorcycle belongs to the father of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 18.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-XII, Vaishali at Hajipur dated 04.03.2024, it appears that petitioner has got no criminal antecedent and there is no any independent witness of the seizure list. Similarly situated accused person namely Rakesh Kumar has been granted bail by this Court in Cr. Misc. No. 24894 of 2024 vide order dated 05.04.2024, 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 Goraul P.S. Case No. 29 of 2024.

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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